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**Consolidated Version**

*Revised and Verified February 13, 2018*

Revision History:	Passed On:
2018-018 (Original)	February 12, 2018

**Consolidated for Convenience Only**

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracy of this by-law, it is not an official version or a legal document. The original by-law should be consulted for all interpretations and applications on this subject. For more information or to view by-laws please contact the Clerks Department

# The Corporation of the City of Owen Sound

## By-law No. 2018-018

### A By-law to Govern the Proceedings of Council and Committees

WHEREAS section 238 of the *Municipal Act, 2001* provides that a Council shall pass a procedure by-law for governing the calling, place and proceedings of meetings; and

WHEREAS the Council of the Corporation of the City of Owen Sound (the "City") passed Resolution No. R-180129-010 on January 29, 2018 to pass the subject by-law to govern the proceedings of Council and Committees of Council;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

#### **Part I. Short Title, Definitions and Interpretation**

##### **Short Title**

1. This by-law may be referred to as the "Procedural By-law".

##### **Definitions**

2. In this by-law:

"**Acting Mayor**" means a Council member appointed by Council to act in the place of the Mayor or Deputy Mayor when both are absent, refuse to act or declare a pecuniary interest, and who shall exercise all the rights, powers and authority of the Mayor.

"**Ad Hoc Committee**" means a committee with a specific mandate of a limited nature, which meets as necessary to provide recommendations to Council and which is disbanded following the completion of the mandate.

"**Advisory Committee**" means a committee with a specific mandate of an ongoing nature, which meets regularly to provide recommendations to Council.

"**Agenda**" means the document issued in accordance with this by-law that sets out the items of business and order of proceedings for any meeting;

"**Chair**" means the person presiding at a meeting;

"**City**" means The Corporation of the City of Owen Sound;

"**Clerk**" means the City Clerk of The Corporation of the City of Owen Sound or his or her designate and, for Committees, means the recording secretary.

"**Closed Session**" means a meeting or part of a meeting of Council or a Committee not open to the public, held in accordance with the *Municipal Act, 2001*.

"**Committee**" means any Standing, Advisory or Ad Hoc committee but does not include Committee of the Whole;

"**Council**" means the Council of the Corporation of the City of Owen Sound;

"**Deputy Mayor**" means the member of Council elected to assist the Mayor in carrying out his or her powers and duties and to act in the place of the Mayor when the Mayor is absent, refuses to act or declares a pecuniary interest, and who shall exercise all the rights, powers and authority of the Mayor.

**“Electronic Means”** means telephone, video or audio conferencing or other interactive method whereby Members, staff and the public are able to hear the Member(s) participating by electronic means and the Member(s) participating by electronic means are able to hear other Members, staff and the public.

**“Emergency”** means an unexpected and difficult or dangerous situation, which happens suddenly and which requires quick action to address;

**“Emergency Meeting”** means a meeting held at a time other than a Regular Meeting, without public notice, to deal with an Emergency or an urgent situation where timing requires that a matter be addressed as soon as possible;

**“Mayor”** means the head of the Council;

**“Member”** means, according to the circumstances, a member of Council, including the Mayor, or a member of a committee including the Chair;

**“Notice of Motion”** means an advance notice to Members respecting a matter on which they will be asked to take a position.

**“Point of Order”** means a concern regarding: conformity to this by-law or the rules of order; improper, offensive or abusive language; notice that discussion is outside the scope of the motion under consideration; or irregularities in the proceedings.

**“Point of Privilege”** means a concern about the integrity, dignity, character, rights or professionalism of the Mayor, Members, staff persons or the public.

**“Regular Meeting”** means meetings held on a regular basis according to the schedule of regular meetings annually approved by Council.

**“Special Meeting”** a meeting held at a time other than a regular meeting, upon forty-eight (48) hours’ notice and dealing with a specific item(s) of business.

**“Standing Committee”** means a committee representing one of the departments of the City, which meets regularly to provide recommendations to Council.

### **Interpretation**

3. The division of this by-law into parts and the insertion of headings are for convenient reference only and shall not affect the interpretation of the by-law.
4. References to words in the plural include the singular, as applicable.
5. References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.
6. If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, the remainder of which shall continue to operate in full force and effect.
7. In the event of a conflict between the provisions of this by-law and the *Municipal Act, 2001* or any other legislation, the provisions of the legislation shall prevail.
8. Where any matter of procedure is not provided for in this by-law, Robert’s Rules of Order, as revised, shall be followed.
9. Decisions binding the Council may only be made at Council meetings, unless authority has been specifically delegated. Committees may only make recommendations to Council for its consideration.

## **Part II. Application and Suspension of Rules**

### **Application**

10. The rules contained in this by-law shall be observed in all Regular Meetings and Special Meetings of Council.
11. In Emergency Meetings, the Chair shall preside and preserve decorum, applying the rules set out in this by-law at the Chair's discretion.
12. The rules contained in this by-law shall be observed in all Committees, with necessary modifications, except where a rule indicates that it specifically applies to Council. Where specific rules for Committees exist they shall prevail over general rules.
13. Where a local board of the City has not adopted a procedural by-law, such board shall be deemed to have adopted this by-law, with necessary modifications, except where a rule indicates that it specifically applies to Council. Where specific rules for local boards exist they shall prevail over general rules.

### **Suspension**

14. No provision of this by-law shall be suspended except by affirmative vote of at least two-thirds (2/3) of the whole members of Council.
15. A suspension shall only apply for the stated purpose and only during the meeting in which such motion was introduced.
16. The following rules shall not be suspended:
  - a. majority of whole of Members required for Quorum;
  - b. unanimous consent of Members present required for extension of a Regular Meeting; and
  - c. any statutory requirements with respect to proceedings.

## **Part III. Location and Schedule of Meetings**

### **Location of Meetings**

17. All open Regular Meetings of Council shall be held at the Council Chambers, City Hall, 808 2<sup>nd</sup> Avenue East, Owen Sound unless there are concerns with respect to health and safety and/or an Emergency has been declared which requires meeting at another location. Where an alternate location is required, it shall be within the boundaries of the City of Owen Sound or an adjacent municipality at a venue that is accessible to the public.
18. All Closed Sessions, Special and Emergency meetings of Council shall be held at a location determined by the Clerk.
19. In the event that a meeting is to be held jointly with one or more other municipalities, the meeting may be held within any one of those municipalities or in a municipality adjacent to any one of them.

### **Inaugural Meeting**

20. The Council shall hold its first meeting on a Monday at 7:00 p.m., not later than the first Monday of December in an election year.

### **Annual Schedule**

21. Each year the Clerk shall submit a schedule of Regular Meetings for the following year for consideration and adoption by Council.
22. Upon adoption, the schedule will be posted on the City's website.

**Time of Regular Meetings**

23. Unless otherwise decided by Council, Regular Meetings of Council shall be held on Mondays commencing in open session at 7:00 p.m. and, where necessary, commencing in Closed Session prior to the open session at a time necessary to complete the business of the Closed Session.

**Time of Special and Emergency Meetings**

24. The Chair may, at any time, call a Special or Emergency Meeting and affix the time for the meeting.
25. Upon receipt of a petition signed by a majority of the Members, the Clerk shall call a Special Meeting or Emergency Meeting for the purpose and at the time declared in the petition.

**Part IV. Notice of Meetings****Notice - Regular Meetings**

26. The Clerk shall give notice to Members and the public of all Regular Meetings by posting an Agenda on the City's website at least seventy-two (72) hours prior to the meeting.
27. In the event a meeting date, time or location changes following the adoption by Council of the schedule of Regular Meetings, the City shall provide notice to Members and the public, through a post on the City's website, in addition to notice provided in the Agenda for the meeting.

**Notice - Special Meetings**

28. The Clerk shall give notice to Members and the public of all Special Meetings by posting an Agenda on the City's website at least forty-eight (48) hours prior to the meeting.

**Notice - Emergency Meetings**

29. An Emergency Meeting may be held, without notice to the public, provided that an attempt has been made by the Clerk to notify all Members about the meeting as soon as possible and in the most expedient manner available. An Agenda for the meeting will be posted on the City's website as soon as practicable.

**Notice Requirements**

30. Each Agenda shall include the following:
- a. the date, time and location of the meeting; and
  - b. the items of business and order of proceedings.

**Notice Irregularity**

31. Notice which is substantively given but which is irregular or not otherwise in strict compliance with this by-law will not invalidate the holding of a meeting or any proceeding taken at a meeting.

## **Part V. Agendas**

### **Agenda – Regular Meetings**

32. The Clerk shall prepare an Agenda, with supporting material, for all Regular Meetings which includes the following:
- a. Motion to move into closed session
  - b. Declaration to move to the open session
  - c. Reporting out of closed session
  - d. Call for additional business
  - e. Disclosures of pecuniary interest
  - f. Confirmation of the Council minutes
  - g. Motion to move Council into Committee of the Whole
  - h. Public meetings
  - i. Deputations and Presentations
  - j. Public question period
  - k. Correspondence received for which direction of Council is required
  - l. Reports of City staff
  - m. Consent agenda
  - n. Committee minutes with recommendations for approval
  - o. Matters postponed
  - p. Motions for which notice was previously given
  - q. Discussion of additional business
  - r. Motion that Committee of the Whole rise and report
  - s. Motion to adopt proceedings in Committee of the Whole
  - t. Notices of motion
  - u. By-laws
  - v. Adjournment

### **Agenda – other meetings**

33. The Clerk shall prepare an Agenda, with supporting material, for meetings other than Regular Meetings in accordance with the business to be addressed.

### **Agenda – supporting material**

34. After posting the Agenda for a meeting, the Clerk may distribute to Members additional supporting material for an item on the Agenda.

### **Agenda – archive**

35. Any additional material that is provided after an Agenda is posted shall be included in a reposting of the Agenda within one (1) week following the meeting.

## **Part VI. Meetings**

### **Order of Business**

36. The business of each meeting shall be taken up in the order in which it stands in the Agenda for that meeting, unless otherwise decided by discretion of the Chair or a two-thirds (2/3) vote of the Members present.



**Unfinished Business**

37. In the event that a meeting adjourns with matters on the Agenda which have not yet been completed, all incomplete matters on the Agenda shall be placed on the Agenda for the next Regular Meeting, unless the Members determine otherwise prior to the adjournment or the Mayor calls a Special Meeting to deal with such matters.

**Additional Business**

38. During an open Regular Meeting, any item of business which is not listed on the Agenda may be added during the "Call for additional business" and addressed during the "Discussion of additional business". When action is required on a matter of additional business, the matter shall be deferred to 'Notices of Motion' and a Notice of Motion shall be provided in order to ensure adequate public notice. However, should immediate action be required, the Members may, by a two-thirds (2/3) vote of Members present at the meeting, waive the Notice of Motion requirement and deal with the matter immediately during the "Discussion of additional business".
39. For Closed Sessions during a Regular Meeting, the Chair, after the Agenda is posted and before the commencement of the meeting, may direct that an item be added to the Agenda where the urgent nature of the matter requires that it be considered prior to the next meeting of the Members.
40. For Special Meetings, no business except the business dealing directly with the purpose mentioned in the notice shall be transacted.
41. For Emergency Meetings, no business except business dealing directly with the Emergency or urgent situation shall be transacted.

**Committee of the Whole**

42. Council may resolve into Committee of the Whole during each Regular Meeting and Special Meeting.
43. Whenever Council resolves into Committee of the Whole the rules of procedure outlined in this by-law shall apply, except for the following:
- a. motions are not required to be in writing or to be seconded; and
  - b. a member may speak to a matter more than once at the discretion of the Chair.

**Closed Sessions**

44. A meeting or part of a meeting may be closed to the public if the subject matter being considered is permitted to be addressed in a Closed Session in accordance with the *Municipal Act, 2001*:
- a. the security of the property of the municipality or local board;
  - b. personal matters about an identifiable individual, including municipal or local board employees;
  - c. a proposed or pending acquisition or disposition of land by the municipality or local board;
  - d. labour relations or employee negotiations;
  - e. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - f. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - g. a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;

- h. information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
  - i. a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
  - j. a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
  - k. a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
45. Before holding any Closed Session, there shall be a motion in a meeting open to the public, stating the following:
- a. that a Closed Session is to be held;
  - b. the general nature of the matter(s) to be considered at the Closed Session; and
  - c. the statutory authority under which each matter to be considered is authorized.
46. A vote may only be taken during a Closed Session where the vote is for a procedural matter or for giving direction or instruction to officers, employees or agents of the City or persons retained by or under a contract with the City.
47. The rules governing the procedure and conduct of the Members shall be observed in Closed Sessions except that:
- a. motions are not required to be in writing or seconded; and
  - b. a member may speak to a matter more than once, at the discretion of the Chair.
48. The Chair shall report out in an open meeting immediately following the Closed Session and summarize the actions taken in the Closed Session. The summary shall not reveal any information which is deemed to be confidential.
49. All information, documentation or deliberations received, reviewed or undertaken in a Closed Session is confidential. No Member, staff person or other person present at a Closed Session shall release or make public any information considered during a Closed Session or discuss the content of any Closed Session with persons other than Members or relevant staff persons.

#### **Disclosure of Pecuniary Interest**

50. Prior to a particular matter being addressed, Members shall declare aloud any pecuniary interests they may have, and the general nature thereof, in connection with that matter pursuant to the *Municipal Conflict of Interest Act*. Such Members shall then be precluded from participating in any way regarding the matter in question.
51. Disclosures of pecuniary interest made during a Closed Session shall include the declaration and its general nature. At the same meeting open to the public after the Closed Session, every declaration of interest made during the Closed Session, but not the general nature of the interest, shall be recorded in the minutes of the open meeting.
52. Where the interest of a Member is not disclosed at a meeting due to the absence of the Member, the disclosure shall be made at the next meeting at which the member is present.

53. Upon declaring a pecuniary interest at a meeting of Council or of a local board, a Member shall provide a written statement of the interest and its general nature to the Clerk. The Clerk will include the statement in a registry maintained in accordance with the *Municipal Conflict of Interest Act*.
54. No Member who has declared a pecuniary interest in a matter may move, second or vote on a motion to adopt multiple items if the matter that is subject of the pecuniary interest is contained therein. Members may request to divide such a motion in order to vote on those items in which there is no pecuniary interest.
55. A Member who has declared a pecuniary interest in a matter may move, second and vote on:
  - a. the confirmatory by-law for the meeting in which the interest was declared;
  - b. adopting the minutes of the meeting in which the interest was declared; and
  - c. adopting the proceedings of the Committee of the Whole in the meeting in which the interest was declared.

### **Public Meetings**

56. Public meetings will be held on a matter where directed by Council, City by-law or statute. Statutory public meetings shall be undertaken in accordance with the governing statute or as otherwise directed by law.
57. The purpose of a public meeting is to hear input from the public on a particular matter. Accordingly, Members shall not enter into debate or discussion of the matter during the public meeting.
58. Each person speaking at a public meeting will be asked to provide their name and the municipality in which they reside prior to providing comments. Such persons will also be invited to provide their name and address in writing in order that future notice of the matter may be provided.
59. Where the public meeting is held as part of a Council meeting, the minutes of the Council meeting shall include the minutes of the public meeting.

### **Deputations and Presentations**

60. A person may appear before Council to provide a deputation or for the purpose of presenting or receiving a gift or recognition provided the Clerk receives a request in writing, in the prescribed time, describing the nature and purpose of the deputation or presentation.
61. A City staff person may appear before Council to make a public presentation concerning corporate projects, initiatives, programs or services and shall be scheduled by the Clerk. Staff presentations that are related to a report on the Agenda shall occur at the time the report is discussed.
62. In addition to the rules governing conduct of the public, persons making deputations or presentations to Council or Committee shall be governed by the following:
  - a. Deputations and presentations must be confined to the business stated in the request to the Clerk.
  - b. No printed material may be distributed without leave of the Chair. If printed material is to be distributed it shall be provided directly to the Clerk.
  - c. The Clerk must be provided with a copy of all electronic material included in a deputation or presentation, for the record.

- d. Deputations which involve a request for support, financial or otherwise, shall be presented at the appropriate Committee wherever possible.
- e. A deputation or presentation made at the Committee level may not be made again to Council without prior approval of the Mayor and City Manager.
- f. The Clerk shall determine the appropriate meeting for each deputation or presentation, advise the requester and schedule the deputation or presentation accordingly.
- g. Deputation and presentation requests may be denied where it is determined by the Mayor and City Manager that the subject matter is unduly repetitious.
- h. Deputations and presentations are limited to a time period of ten (10) minutes.
- i. Members shall address the persons(s) making a deputation or presentation only to ask questions or provide thanks but not to enter into debate or discussion of the matter.
- j. The Chair may curtail any deputation or presentation for disorder or any other breach of this by-law.

#### **Public Question Period**

- 63. A person may ask a question of the Members on any matter.
- 64. Questions may be preceded by a brief statement that provides background for the question.
- 65. Questions are limited to a time period of five (5) minutes.
- 66. Members will hear the question and answer if appropriate.

#### **Correspondence**

- 67. All correspondence requiring the direction of Council or Committee shall:
  - a. be legibly written or printed;
  - b. include contact information for at least one person; and
  - c. be filed with the Clerk for inclusion on a meeting Agenda.
- 68. Personal information, other than contact information, disclosed in correspondence will become part of the public record, including the name of the author.
- 69. Correspondence may be withheld from an Agenda if it is considered to be inappropriate or offensive in nature.
- 70. At statutory public meetings, correspondence items that have not been distributed to the Members shall be read by the Clerk.

#### **Consent Agenda**

- 71. A portion of the Agenda, titled 'Consent Agenda', may consist of items that do not require separate discussion, including, but not limited to: routine staff reports; minutes for receipt; notice of approved business licences; notice of flag-flying requests; and correspondence for receipt.
- 72. All of the items listed on the Consent Agenda shall be subject of one motion, unless a Member requests that any item(s) in the consent motion be voted on separately.

#### **Meeting record**

- 73. A record of every meeting shall be kept in the form of minutes.

74. The minutes shall identify the members present and absent, senior staff present, Clerk's staff present, the start and end times of the meeting, and shall record without note or comment all resolutions, decisions and other proceedings.

#### **Recording of meetings**

75. Meetings that are not closed to the public may be televised, or otherwise recorded for the purpose of broadcasting to the public at large, upon approval of the Chair.
76. No Member shall use an electronic device as a recording device or to broadcast or otherwise publish or post audio, video or photographs of any meeting.
77. Inability of recording a meeting will not prohibit the meeting from commencing or continuing.

#### **Electronic Meetings**

78. Members may participate in meetings by Electronic Means subject to the following:
- a. Electronic Means of participating in a meeting are available only for meetings of Council that take place in Council Chambers, City Hall, 808 2<sup>nd</sup> Avenue East, Owen Sound.
  - b. Requests to participate in a meeting by Electronic Means must be made to the Clerk at least three (3) business days before the meeting.
  - c. A maximum of two (2) Members may participate in the same meeting by Electronic Means. Where more than two Members request to participate in the same meeting by Electronic Means, the requests will be granted to the first two Members who make the request.
  - d. A Member may participate in a maximum of two (2) open meetings per calendar year by Electronic Means.
  - e. Members may not participate in Closed Sessions of any meeting by Electronic Means.
  - f. A Member participating in a meeting by Electronic Means shall be considered to be present at such meeting but shall not be counted towards quorum.
  - g. The Chair must be present in person at a meeting.
79. The following practices will be followed when a Member(s) participate in a meeting by Electronic Means:
- a. Each Member participating in a meeting by Electronic Means shall be available at least fifteen (15) minutes before the beginning of the meeting to assist staff in establishing the electronic connection.
  - b. Each Member participating by Electronic Means will mute his or her electronic device when he or she is not speaking.
  - c. The Chair will canvass Members participating by Electronic Means about their intention to speak to a matter on the floor and will notify each Member when it is his or her turn to speak.
  - d. After putting a motion to a vote, each Member participating by Electronic Means will be required to identify how he or she wishes to vote.
  - e. Each Member participating by Electronic Means shall inform the Chair about his or her intentions to leave the meeting either on a temporary or permanent basis.

- f. A Member(s) participating by Electronic Means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
- g. In the case of a loss of connection, or any connection issue which impedes the ability of a Member(s) to participate in the meeting in real time, the meeting will continue without attempts by either staff or the Member(s) to reconnect.

## **Part VII. Commencement and Adjournment of Meetings**

### **Quorum**

80. A Quorum is required for every meeting and shall be a majority of the whole Members, except when a majority of Members have disclosed a pecuniary interest to a matter in accordance with the *Municipal Conflict of Interest Act* wherein the remaining number of Members present shall be deemed to constitute a Quorum, provided that such number is not less than two (2).

### **Call to order**

81. As soon after the time fixed for the meeting as a Quorum is present, the meeting shall be called to order by the Chair.

### **Lack of Quorum**

82. There shall be no meetings without Quorum. If there is no Quorum present fifteen (15) minutes after the time appointed for the meeting, the Members shall stand adjourned until the date and time of the next meeting and the Clerk shall record the names of the members present upon such adjournment.
83. Quorum must be maintained for the entirety of a meeting. Where Quorum is lost during a meeting, the Chair may call a recess for a maximum of fifteen (15) minutes to regain Quorum. If Quorum cannot be regained, the Members shall stand adjourned until the date and time of the next meeting.

### **Adjournment**

84. All Regular Meetings, Special Meetings and Emergency Meetings shall end when:
  - a. the business of the meeting has been concluded;
  - b. a motion to adjourn is carried;
  - c. Quorum is lost and cannot be regained;
  - d. an Emergency exists; or
  - e. disorder arises and order cannot be restored.
85. In addition to the above, the time of adjournment of all Regular Meetings of Council shall be no later than three and a half (3½) hours following the hour of commencement of the open session, as stated in the Agenda, unless this rule is temporarily suspended by unanimous consent of the members present at the meeting.

## **Part VIII. Presiding over Meetings**

### **Mayor to preside**

86. The Mayor, if present, shall act as Chair and preside at all Council meetings.

### **Deputy Mayor**

87. In the absence of the Mayor, the Deputy Mayor shall call Council meetings to order and the Deputy Mayor shall preside during the meeting or until the arrival of the Mayor.

**Acting Mayor**

88. In the absence of the Mayor and Deputy Mayor, the Acting Mayor shall call Council meetings to order and the Acting Mayor shall preside during the meeting or until the arrival of the Mayor or Deputy Mayor as the case may be.

**Duties of Chair**

89. The Chair of a meeting shall:
- a. call the meeting to order as soon after the hour fixed for the meeting as there is Quorum present;
  - b. announce the business before the Members in the order in which it is to be acted upon;
  - c. designate the Member who has the floor when two or more Members indicate they wish to speak;
  - d. determine how long consideration of a motion should continue before a vote is called;
  - e. put to vote all motions which are properly moved and announce the results;
  - f. decline to put to vote motions that infringe on the rules of procedure;
  - g. enforce the observance of order and decorum among the Members and other persons attending the meeting;
  - h. decide questions of order;
  - i. order a Member, or member of the public attending the meeting, who is persisting in breach of the rules, to vacate the meeting room;
  - j. adjourn the meeting when the business is concluded, a motion to adjourn is carried, Quorum is lost and cannot be regained, or an Emergency exists.
90. In the case of disorder arising at a meeting, the Chair may recess the meeting until order is restored and, if order cannot be restored, the Chair may adjourn the meeting.

**Part IX. Conduct at Meetings****Conduct of Council**

91. Members of Council shall govern themselves according to Council's Code of Conduct.
92. Members present at a meeting shall ensure that all electronic devices are set to silent mode.
93. Every Member desiring to speak shall so indicate in order to be recognized by the Chair.
94. Every Member, on being recognized, shall remain seated in his or her place and address themselves to the Chair.
95. No Member shall:
- a. speak to a matter more than once unless, with leave of the Chair, in explanation of a material portion of the member's remarks which may have been misunderstood;
  - b. speak to a matter for more than 10 minutes;
  - c. speak on any subject other than the subject under consideration;
  - d. use offensive words or speak disrespectfully of the Mayor, Members, staff persons or the public;

- e. criticize any decision of the Members, except for the purpose of moving that the question be reconsidered;
  - f. speak without being recognized by the Chair or cause a disturbance while another Member is speaking;
  - g. leave his or her seat or make noise or disturbance while a vote is being taken or until the result is declared; or
  - h. disobey the rules or decisions of the Members or a decision of the Chair on points of order or privilege.
96. A Member called to order by the Chair shall immediately cease further comment and may appeal the call to order. The Members, if appealed to, shall vote on the appeal without debate and the decision shall be final. If there is no appeal, the decision of the Chair shall be final.
97. No Member shall disobey the rules of procedure, or a decision of the Chair or of the Members on questions of order or practice, or upon the interpretation of the rules; and in the case where a Member persists in any such disobedience after having been called to order by the Chair, the Chair may order that such Member leave his or her seat for the duration of the meeting; but if the Member apologizes he or she shall be permitted to retake his or her seat.

### **Conduct of the Public**

98. Public who are present at a meeting shall ensure that all electronic devices are set to silent mode.
99. Public, including those making deputations, who are present at a meeting shall not:
- a. address the Members or approach the seating area of the Members without permission;
  - b. bring food or beverage, with the exception of water, into the meeting room unless so authorized;
  - c. engage in any activity or behavior that would affect the deliberations of the Members; or
  - d. make detrimental comments respecting, or malign the integrity of, the Mayor, Members, staff persons or the public.
100. Any person who is not conducting themselves in a proper manner, as outlined in this by-law, will be asked to do so by the Chair. Any person who continues to conduct themselves in an improper manner will be ordered from the meeting and removed from the meeting if necessary. Any person who is conducting themselves in a manner which poses a threat to the safety of themselves or others shall be ordered from or removed from the meeting without warning.

## **Part X. Rules of Debate**

### **Request to Speak**

101. To address Council or Committee, a Member shall request to speak, be recognized by the Chair and direct all comments through the Chair.

### **Order of Speakers**

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

### **Interruption of Speaker**

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



**Reading Motion under Consideration**

104. Any Member may require a motion under consideration to be read at any time during debate but not so as to interrupt a Member who is speaking.

**Questions**

105. When a motion is under consideration, a Member may ask a concisely worded question of another Member or appropriate staff person, through the Chair, prior to the motion being put to a vote.

**Points of Order, Privilege**

106. When a Member seeks to raise a Point of Order or Point of Privilege, the Member shall first be recognized by the Chair, state the point, and then remain silent until the Chair has ruled upon the point.
107. Unless a Member immediately appeals the Chair's decision to the Members, the decision of the Chair shall be final.
108. If the decision of the Chair is appealed to the Members, the appeal shall be put immediately to the Members without debate and the result shall be final.

**Part XI. Motions****Motions in Writing**

109. Each motion shall be written unless it is a motion to:
- a. adjourn;
  - b. recess;
  - c. extend past the hour for adjournment;
  - d. table;
  - e. postpone;
  - f. call the vote;
  - g. refer; or
  - h. amend.

**Motion Open for Consideration**

110. Each motion shall be stated by the mover, in the mover's place, and, upon being moved and seconded the Chair shall declare the motion open for consideration.

**Subsequent Motions**

111. When a motion is under consideration, no other motion shall be in order except a motion to:
- a. adjourn;
  - b. recess;
  - c. extend past the hour for adjournment;
  - d. table;
  - e. postpone;
  - f. call the vote;
  - g. refer; or
  - h. amend.

**Motion to Adjourn**

112. A motion to adjourn shall:
- a. not be amended;
  - b. not be debated;
  - c. not include qualifications or additional statements; and
  - d. always be considered, except when a Member is speaking or when Members are voting.

**Motion to Recess**

113. A recess may be declared by the Chair or moved by a Member.
114. A motion to recess shall:
- a. include the proposed length of recess;
  - b. not be amended;
  - c. not be debated; and
  - d. always be considered, except when a Member is speaking or Members are voting.
115. Where a recess is declared, the Chair shall announce the length of the recess.

**Motion to Extend**

116. A motion to extend past the hour for adjournment in a Regular Meeting shall:
- a. not be amended;
  - b. not be debated;
  - c. always be considered, except when a Member is speaking or Members are voting; and
  - d. require unanimous consent of the Members present at the meeting.

**Motion to Table**

117. A motion to table shall:
- a. not be amended;
  - b. not be debated
  - c. apply to the main motion and any amendments to it under consideration at the time when the motion to table was made; and
  - d. not include qualifications or additional statements.
118. If a motion to table is carried, then the main motion and any amendments to it shall be removed from the consideration of the Members.
119. A motion to take a matter from the table may be introduced at any time, when it is made at the same meeting at which the motion to table was made, except when a Member is speaking or another motion is under consideration.
120. A motion to take a matter from the table at a meeting subsequent to the meeting where the motion to table was made, shall require a Notice of Motion and shall be made within three (3) months of the motion to table.
121. If a motion to take a matter from the table is carried at a meeting, then consideration of the original matter shall become the next order of business.

**Motion to Postpone**

122. A motion to postpone a matter pending receipt of further information or the happening of an event shall:
- a. not be amended;
  - b. be debated only as to the time period of postponement;
  - c. apply to the main motion and any amendments to it under consideration at the time when the motion to postpone was made; and
  - d. not include qualifications or additional statements.
123. If a motion to postpone is carried, then the main motion and any amendments to it shall be removed from the consideration of the Members until the time provided for in the motion.

**Motion to Call the Vote**

124. A motion to call the vote (close debate) shall:
- a. not be amended;
  - b. not be debated; and
  - c. apply to the motion or amendment under debate at the time when the motion to call the vote is made.
125. If a motion to call the vote is carried, the preceding motion or amendment shall be voted on immediately without further debate or comment.

**Motion to Refer**

126. A motion to refer a matter under consideration to a Committee, staff person or elsewhere shall:
- a. be open to debate;
  - b. be amendable; and
  - c. preclude amendment or debate of the preceding motion, unless the motion to refer is defeated, in which case the preceding motion shall be open to debate and amendment.

**Motion to Amend**

127. Before the Chair calls a vote on a motion, a Member may ask the mover of the motion if they would accept a change in it, termed a friendly amendment. The mover may either accept or reject the proposed change. If the mover rejects the proposed change, the Member suggesting the change can propose an amendment as outlined below. If the change is accepted by the mover, the changed motion will be put to a vote. Friendly amendments shall not be recorded in the minutes as a main motion and an amendment but will be considered as a main motion.
128. A motion to amend a motion under consideration shall:
- a. be open to debate;
  - b. be relevant to the main motion; and
  - c. not propose a direct negative to the main motion.
129. Only one motion to amend the main motion shall be allowed at one time.
130. Motions to amend may not be amended.

**Motion to Reconsider**

131. No motion to reconsider a decided matter shall be in order when, as a result of the vote on the original motion, something has been done that is impossible to undo.

132. A motion to reconsider a decided matter may be introduced at any time, except when a Member is speaking or Members are voting, when it is made at the same meeting at which the original motion was decided.
133. A motion to reconsider a decided matter of Council, at a meeting subsequent to the meeting at which the original motion was decided, shall require a Notice of Motion.
134. Where a Notice of Motion to reconsider a decided matter is provided, it shall act as bar to any further action resulting from the original motion until the matter is decided.
135. A motion to reconsider a decided matter shall require a two thirds (2/3) vote of the whole of Council.
136. If a motion to reconsider is carried at a meeting, then consideration of the original matter shall become the next order of business.
137. A motion to reconsider can be moved by any Member, regardless of how he or she voted on the original question.
138. A motion to reconsider a decided matter shall not be debatable but the mover of the motion may provide a brief statement outlining the reasons for proposing such consideration.
139. A motion to reconsider a decided matter shall not be made more than once in a twelve (12) month period from the date the matter was decided, unless a regular election has occurred during that time.
140. The following motions cannot be reconsidered:
  - a. To adjourn.
  - b. To recess.
  - c. To suspend the rules.
  - d. To reconsider.

#### **Withdrawal of Motion**

141. Every motion shall be deemed to be in the possession of the Members for consideration after it is accepted by the Chair. The Members may consent to the withdrawal of the motion at any time before amendment or decision.

#### **Dividing a Motion**

142. When a motion under consideration contains distinct elements, a Member may request that the motion be divided and the vote on each discrete element taken separately.

#### **Notice of Motion**

143. At a Regular Meeting, a Member may give notice, during Notice of Motion, that he or she intends to introduce a motion at a subsequent meeting.
144. The Notice of Motion shall be submitted to the Clerk, in writing, by the end of the meeting at which it is introduced.
145. The motion shall be addressed at the next Regular Meeting, under 'Motions for which notice was previously given', unless a Special Meeting is called earlier to address the motion.

#### **Motion by Chair**

146. If the Chair wishes to make a motion or to speak on a motion taking a definite position and endeavouring to persuade the other Members to support that position, then he or she shall first leave the chair and designate another Member to fill his or her place until the vote on the matter is concluded and he or she resumes the chair.

## **Part XII. Voting**

### **One Vote per Member**

147. Each Member has the right to one vote on each motion, subject to any declaration of pecuniary interest.

### **Default Majority Vote**

148. Unless otherwise specified in this by-law all votes shall be decided by way of a majority vote of the members present at the meeting.

### **Time of Vote**

149. A motion shall be put to a vote by the Chair immediately after all Members desiring to speak on the motion have spoken, in accordance with this by-law.

### **Speaking during Vote**

150. After a motion is put to a vote by the Chair, no Member shall speak on that motion nor shall any other motion be made until after the result of the vote is announced by the Chair.

### **Mandatory Vote**

151. Every Member present shall vote on every motion unless the Member declares a pecuniary interest, in which case the member shall refrain from participating in the vote.

### **Deemed Negative Vote**

152. Every Member who is present for a vote and has not declared a pecuniary interest shall be deemed to be voting against a motion if he or she abstains from voting on that motion.

### **Tie Vote**

153. Where there is a tie vote on any motion, it shall be deemed to have been decided in the negative.

### **Show of Hands**

154. Unless a recorded vote is called for, all voting shall be done by a show of hands.

### **Recorded Vote**

155. Any Member may request that a vote be recorded immediately prior to or immediately after the taking of a vote. When a recorded vote is requested, all Members present at the meeting shall vote in alphabetical order, unless otherwise prohibited from voting on the motion by reason of a declared pecuniary interest, except the Chair who shall vote last. The Clerk shall call the names of the members and announce the results. The names of those who voted for and against shall be noted in the minutes.

### **Budget Amendment Vote**

156. After the budget for the year has been approved by Council, any motions or by-laws proposing an expenditure of money not provided for in the budget must receive a two-thirds (2/3) vote of all the members of Council.

157. Any staff recommendation, motion made by a Member or by-law which proposes an expenditure of money not provided for in the budget must identify that a budget amendment is being considered.

### **Part XIII. By-laws**

#### **Previous consideration**

158. No by-law shall be presented to the Members unless the subject matter has been considered and the Members have moved for a by-law to be brought forth.

#### **By-law listing**

159. The Clerk shall submit to the Members a listing of all by-laws proposed for adoption that includes the by-law number and titles.

#### **One Motion**

160. Unless otherwise requested, all by-laws proposed for adoption shall be passed in one motion.

#### **By-law Requirements**

161. Every by-law passed by Council shall:
- a. be signed by the Mayor, or the presiding officer;
  - b. be signed by the Clerk or designate;
  - c. be sealed with the City seal; and
  - d. indicate the date of passage.

#### **Confirmatory by-law**

162. Council shall enact a by-law to confirm all actions taken by Council at each meeting.

### **Part XIV. Committees and Local Boards**

#### **Dates, times and locations of Committee meetings**

163. All meetings of Committees shall generally be held at the Council Chambers, City Hall, 808 2<sup>nd</sup> Avenue East, Owen Sound but may be moved to alternate locations on the recommendation of the Chair. Where an alternate location is required, it shall be within the boundaries of the City of Owen Sound or an adjacent municipality at a venue which is accessible to the public.
164. The schedule of Regular Meetings, submitted by the Clerk for adoption by Council, shall include dates and times for monthly meetings of Standing and Advisory Committees.
165. The dates and times of meetings of Ad Hoc Committees shall be determined by the Chair.
166. The Chair of a Committee may, at any time, call a Special or Emergency Meeting and affix the time for the meeting.

#### **Dates, times and locations of local board meetings**

167. All meetings of local boards shall be held at a location chosen by the Chair within the boundaries of the City of Owen Sound or an adjacent municipality at a venue that is accessible to the public.
168. The dates and times and locations of Regular meetings of local boards shall be included on the Agenda provided for each meeting.
169. The Chair of a local board may, at any time, call a Special or Emergency Meeting and affix the time for the meeting.

#### **Notice of meetings**

170. Notice of meetings shall be done by posting Agendas on the City's website seventy-two (72) hours before a Regular Meeting, forty-eight (48) hours before a Special Meeting or as soon as practicable for an Emergency Meeting.

**Agendas**

171. The Clerk shall prepare an Agenda for Committee meetings and local board meetings in accordance with the business to be addressed.

**Procedures**

172. The rules governing the procedure of Council and the conduct of Members shall be observed as far as applicable, subject to the following:

- a. motions are not required to be in writing or to be seconded; and
- b. a member may speak to a matter more than once at the discretion of the Chair.

**Members' Rights**

173. Members who are not a Member of a specific Committee or local board may attend meetings of that Committee or local board and may, with consent of the Chair, take part in discussion, but shall not be counted in the quorum or entitled to make motions or to vote at these meetings.

**Absence of Chair**

174. Where the Chair of a Committee or local board is not in attendance at a meeting fifteen (15) minutes after the time the meeting is scheduled to begin, the Vice Chair shall call the meeting to order and preside until the arrival of the Chair. Should the Vice Chair not be in attendance at the meeting, those Members in attendance shall appoint a Member to act in the place and stead of the Chair for that meeting. The appointed Member shall then call the Members to order and shall preside until the arrival of the Chair or Vice Chair.

**Part XV. Repeal and Effective Date****By-law Repealed**

175. By-law No. 2007-242 and all amendments thereto are hereby repealed.

**Effective Date**

176. This by-law shall come into full force and effect on the date it is passed at which time all by-laws, policies and resolutions that are inconsistent with the provisions of this by-law are hereby amended or repealed insofar as it is necessary to give effect to the provisions of this by-law.

FINALLY PASSED AND ENACTED this 12<sup>th</sup> day of February, 2018.

Signature on file

Deputy Mayor Arlene Wright

Signature on file

Briana M. Bloomfield, City Clerk