

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW NO. 73-13

A BY-LAW TO GOVERN THE CALLING, PLACE AND PROCEEDINGS OF COUNCIL AND ITS COMMITTEES AND THE CONDUCT OF ITS MEMBERS AND TO REPEAL AND REPLACE BY-LAW NO. 133-09, AS AMENDED.

WHEREAS Section 238(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time, requires that every municipality and local board pass a procedural by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS Regional Council passed Procedural By-law No. 133-09 on October 28, 2009, and has determined that it is desirable to repeal and replace By-law No. 133-09, as amended.

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HALTON HEREBY ENACTS AS FOLLOWS:

**PART 1 – DEFINITIONS**

**1.1 Definitions**

In this By-law:

- (a) “Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time;
- (b) “Acting Regional Chair” means the Member appointed by by-law to act from time to time in the place and stead of the Regional Chair;
- (c) “Alternate” means a Councillor who is appointed in accordance with Section 4.2 to serve on a Committee in the place of an absent regular Committee Member;
- (d) “Business Day” means a day other than a declared holiday of the Region, a Saturday, a Sunday or any other holiday as defined in the *Legislation Act, 2006*, S.O. 2006, c. 21. Sched. F, as amended from time to time, with the exception of Easter Monday and Remembrance Day;
- (e) “C.A.O.” means the chief administrative officer of the Region;
- (f) “Clerk” means the clerk of the Region or his/her designate;
- (g) “Closed Session” means a Meeting, or portion thereof, closed to the public in accordance with this By-law and the Act;

- (h) “Committee” means any committee, excluding Committee of the Whole, of which at least 50 per cent of the members are Members of Council, including, but not limited to, Standing Committees, sub-committees, Interview, Striking, and C.A.O Recruitment; (*By-law No. 105-15*)
- (i) “Committee Chair” means the chair of a Committee and “Standing Committee Chair” has a corresponding meaning;
- (j) “Committee of the Whole” means all the Members of Council present sitting as committee of the whole Council and shall have jurisdiction over and be responsible for the consideration of recommendations of Standing Committees and other reports as submitted from time to time;
- (k) “Committee Vice-Chair” means the vice-chair of a Committee and “Standing Committee Vice-Chair” has a corresponding meaning;
- (l) “Council” means the council of the Region;
- (m) “Councillor” means a Member of Council other than the Regional Chair;
- (n) “Delegate” means any person, group of persons, Regional consultant, agency, board, committee, firm or organization that is neither a Member nor a Regional staff member, wishing to address a Committee or Council in person upon a request to the Clerk; and a “Delegation” means the communication by a Delegate at a Meeting;
- (o) “Development Charges Act” means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended from time to time;
- (p) “Emergency” means a situation or the threat of an impending situation adversely affecting property and/or the health, safety and welfare of the community or the Region, which by its nature and magnitude requires a timely, co-ordinated, and controlled response;
- (q) “Health Protection and Promotion Act” means the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended from time to time;
- (r) “Local Board” means a local board as defined in Section 1(1) of the Act;
- (s) “Long-Term Care Homes Act” means the *Long-Term Care Homes Act, 2007*, S.O. 2007, c. 8, as amended from time to time;
- (t) “Majority” means a number greater than half of the total;

- (u) “Meeting” means any regular, special or other meeting of Council or of a Committee, as the context requires, where:
  - (i) a Quorum of Members is present, and
  - (ii) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council or Committee;
- (v) “Member” means a member of Council or of a Committee, as the context requires;
- (w) “MFIPPA” means the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended from time to time;
- (x) “Motion” means a formal proposal by a Member, during a Meeting, that a Committee or Council take certain action;
- (y) “Municipal Conflict of Interest Act” means the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended from time to time;
- (z) “Notice of Motion” means advance notice to Members of a matter on which Council will be asked to take a position;
- (aa) “Open Session” means a Meeting, or portion thereof, that is open to public attendance and to Delegates;
- (bb) “Pecuniary Interest” means a direct or indirect interest within the meaning of the Municipal Conflict of Interest Act;
- (cc) “Planning Act” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended from time to time;
- (dd) “Quorum” means the minimum number of Members required to be present at a Meeting in order to legally conduct business;
- (ee) “Recorded Vote” means a vote taken in a Council Meeting for which the names of each Member present and whether he/she voted in favour of or against the Motion is recorded in the minutes;
- (ff) “Region” means The Regional Municipality of Halton;
- (gg) “Regional” means pertaining to the Region;

- (hh) “Regional Chair” means the chair of the Region;
- (ii) “Regular Meeting” means a scheduled Meeting held in accordance with the approved calendar of Meetings;
- (jj) “Special Meeting” means a Meeting not scheduled in the approved calendar of Meetings;
- (kk) “Staff Presentation” means a presentation made during a Meeting by Regional staff in order to provide information related to an item on a Meeting agenda; and a “Staff Presenter” means the Regional staff member making the presentation;
- (ll) “Standing Committee” means a standing committee of Council being either the Health and Social Services Committee, the Planning and Public Works Committee or the Administration and Finance Committee;
- (mm) “Standing Committee Term” means the one-year term of a Standing Committee commencing December 1<sup>st</sup> and concluding November 30<sup>th</sup> of the following year;
- (nn) “Statutory Public Meeting” means a Meeting conducted by Council or a Standing Committee and required by legislation, such as the Development Charges Act, or the Planning Act;
- (oo) “Striking Committee” means a committee composed of the Regional Chair and the mayors of the four local municipalities, which makes recommendations to Council for the appointment of Standing Committee Members and their Alternates;
- (pp) “Unreasonable or Offensive Conduct” means conduct or statements by a member of the public that can be considered to be aggressive, abusive, threatening, intimidating, violent, harassing, defamatory, frivolous or vexatious.
- (qq) “Website” means the official website of the Region; and
- (rr) “Workshop” means a Meeting of a Committee or Council held to educate or train the Members.

## **1.2 Numbers and Gender**

In this By-law, words imparting singular numbers include the plural and vice versa, and all references to gender should be read as gender neutral.

## **PART 2 - GENERAL**

### **2.1 Rules of Procedure – order and dispatch of business**

The rules of procedure contained in this By-law shall be the rules for the order and dispatch of business in Committees, Council and Committee of the Whole, except as otherwise provided in this By-law.

### **2.2 Rules of Procedure – temporarily waiving rules – 2/3 vote**

Except as provided elsewhere in this By-law, in Committees, Council or Committee of the Whole, any one or more of the following rules may be temporarily waived by a vote of two-thirds (2/3) of Members present:

- (a) rules regarding agenda content and order of proceedings;
- (b) rules regarding Delegate status, thereby permitting unlisted Delegates to speak or declining to hear from Delegates who may be listed on the agenda;
- (c) rules regarding speaking limits for ceremonial presentations, Delegations, Staff Presentations and debate; and
- (d) rules regarding standard notice to introduce a Motion.

### **2.3 Robert's Rules of Order**

All points of order or procedure for which rules have not been provided in this By-law and its appendices shall be decided by the Committee/Regional Chair in accordance, as far as is reasonably practicable, with Robert's Rules of Order.

### **2.4 Rules of Procedure – Standing Committee Meetings**

Unless otherwise set out herein, the rules governing the procedure of Council shall be observed in Standing Committee Meetings.

### **2.5 Procedural By-law - amendment – ¾ vote**

This By-law shall not be amended or repealed except by a positive vote of three-quarters of the Members of the whole Council.

### **2.6 Procedural By-law – amendment – repeal - notice**

Notwithstanding Section 2.5, no amendment or repeal of this By-law shall be considered at any Meeting of Council unless notice of the proposed amendment or repeal has been given as required by this By-law and the Region's Council approved notice provisions.

### **2.7 Administrative Corrections – by Clerk**

The Clerk shall be permitted to make minor clerical, typographical or grammatical corrections to any Committee/Council record or documentation,

including but not limited to: by-laws, Motions, resolutions, agendas and/or minutes. Said corrections are to be made to ensure correct and complete implementation of the decisions and actions of the Committee/Council.

## **2.8 Halton Region Board of Health**

Council, as the Halton Region Board of Health pursuant to Section 1(1) of the Health Protection and Promotion Act, may consider recommendations from the Health and Social Services Committee.

## **2.9 Appendix A – Council Code of Conduct**

Appendix A: “Council Code of Conduct” forms part of this By-law and shall apply to all Members.

# **PART 3 – THE REGIONAL CHAIR**

## **3.1 Duties – Regional Chair**

The Regional Chair shall:

- (a) assist Committees, of which he/she is a Member, and Council to reach consensus on fundamental policy issues of concern to the Region;
- (b) act as spokesperson, and co-ordinate the presentation of the Region’s position to the public and to other external public bodies, agencies and organizations;
- (c) represent and support Council, declaring its will and implicitly obeying its decisions in all things;
- (d) perform other duties when directed to do so by resolution of Council;
- (e) preside over the Meetings of Council and Committee of the Whole, where he/she shall:
  - (i) preserve order and decide all points of order, subject to appeal; and without argument or comment, state the rule applicable to any point of order if called upon to do so;
  - (ii) receive and put to a vote all Motions presented by Members which do not contravene this By-law;
  - (iii) announce the results of the vote on any Motions so presented;

- (iv) decline to put to a vote Motions which are contrary to the rules of procedure, or which are beyond the jurisdiction of Committee or Council;
- (v) enforce order and decorum at Meetings;
- (vi) sign all by-laws, minutes and resolutions;
- (vii) adjourn the Meeting when business is concluded; and
- (viii) adjourn the Meeting without a vote being called or suspend or recess the Meeting for a time to be named if considered necessary.

### **3.2 Responsibilities – Regional Chair**

The Regional Chair shall be:

- (a) the chief executive officer of the Region, in accordance with Section 225(a) of the Act, and shall hold office until a successor is elected or appointed;
- (b) the chair of Council and the Committee of the Whole Meetings;
- (c) the chair when two or more Standing Committees meet jointly;
- (d) the chair of the Striking Committee and the C.A.O Recruitment Committee; and
- (e) a Member of all Standing Committees and shall have full privileges, including the right to vote at Meetings thereof, but shall not be eligible to be a Standing Committee Chair or Vice-Chair.

### **3.3 Voting - by the Regional Chair**

The Regional Chair has the right to vote at all Committee, Council, and Committee of the Whole Meetings.

### **3.4 Acting Regional Chair – appoint by by-law**

In each term of Council, as soon after the commencement of the term as is reasonably possible, Council shall appoint by by-law, and in alphabetical order, each Councillor to serve as Acting Regional Chair for a designated period of time, with each period being of equal duration, insofar as is practicable. The Acting Regional Chair shall serve when the Regional Chair is absent or refuses to act or the office is vacant, and while so acting in the place and stead of the Regional Chair shall have and may exercise all rights, powers, and authority of the Regional Chair in his/her absence, subject to any applicable legislation and/or by-laws.

## **PART 4 – ABSENCE AND ALTERNATES**

### **4.1 Notice of Absence – Members - notify Clerk**

A Member is encouraged to notify the Clerk when he/she is aware that he/she will be late to or absent from a Meeting.

### **4.2 Alternates - appointment**

Council shall appoint a first and a second Alternate for each Member appointed to a Standing Committee at the same time that regular Members of those Committees are appointed. Council may appoint a first and second Alternate for each Member appointed to any other Committee at the same time that regular Members of those Committees are appointed.

### **4.3 Alternates - requirements**

Council shall ensure that Alternates are:

- (a) Regional Councillors;
- (b) from the same local municipality as the regular Member whom they are selected to replace; and
- (c) not already Members of the Committee for which they are selected as Alternates.

### **4.4 Alternates - at Committee – rights – privileges - obligations**

Alternates shall possess all of the rights, privileges and obligations of a regular Member of the Committee for the Meeting in which he/she is participating as an Alternate.

### **4.5 Alternates – Members considered to be absent – reflect in minutes**

A Committee Member who is replaced by an Alternate will be considered to be absent from the Meeting and the Clerk shall ensure that the absence is reflected in the minutes of the Committee Meeting.

### **4.6 Minutes – indicate Alternates**

The Clerk shall ensure that the minutes of a Committee Meeting expressly indicate any Alternates who are in attendance in the place of a regular Member.

### **4.7 Alternates – Committee Meeting - Quorum**

The attendance of an Alternate at a Committee Meeting in place of a regular Member shall be counted for the purposes of determining Quorum.



**4.8 Alternates – notice to Clerk**

If a regular Member must be absent from a Committee Meeting and wishes to be replaced by an Alternate, the Clerk shall be provided with notice, preferably in writing, by 9:30 a.m. on the last Business Day prior to the scheduled Meeting.

**4.9 First Alternate – Clerk to contact**

Upon receipt of proper notice, the Clerk shall make reasonable attempts to contact the first Alternate to request his/her presence at the Meeting.

**4.10 Second Alternate – Clerk to contact**

If the first Alternate is not successfully reached or is unable to attend the Meeting, the Clerk shall make reasonable attempts to contact the second Alternate to request his/her presence at the Meeting.

**4.11 Alternates – Member to contact personally**

If a regular Member learns after 9:30 a.m. on the last Business Day prior to a scheduled Meeting that he/she will be unable to attend that Meeting, then the regular Member may contact his/her Alternates personally in priority sequence and the Clerk shall be provided with notice, preferably in writing, of his/her absence and which Alternate will attend the Meeting.

**4.12 Alternates – not permitted to participate**

An Alternate will not be permitted to participate in a Meeting as an Alternate unless the Clerk has received notice, as set out in Section 4.8 or 4.11, from the regular Member, a relative, his/her assistant, or the local clerk.

## **PART 5 - COMMITTEES**

### **Striking Committee**

#### **5.1 Striking Committee – Meeting – term of Council**

Upon the commencement of the term of Council, the Striking Committee shall meet on or before the date of the inaugural Meeting of Council in order to formulate its recommendations to Council for the appointment of Members and their Alternates to the Standing Committees for the first year of the term.

#### **5.2 Striking Committee – Meeting - annually**

Thereafter, the Striking Committee shall meet annually during the term of Council on or before the date of the first Council Meeting in December in order to formulate its recommendations to Council for the appointment of Members and their Alternates to the Standing Committees for the subsequent year of the term.

#### **5.3 Striking Committee – criteria for recommendations**

In making its recommendations to Council, the Striking Committee may use the following criteria:

- (a) experience on a related committee or in a related field;
- (b) time availability;
- (c) confidence of colleagues;
- (d) commitment to Regional objectives;
- (e) the need to maintain a stable core membership in all Committees from year to year; and
- (f) the Member's interest in serving on a particular Standing Committee.

#### **5.4 Striking Committee – unanimity on recommendations**

When it appears that there will be unanimity on the recommendations of the Striking Committee, the Striking Committee may provide its recommendations to the Clerk without a Meeting being held.

#### **5.5 Striking Committee – annual report**

The Clerk shall prepare an annual report containing the recommendations of the Striking Committee for approval by Council.

## **Standing Committees**

### **5.6 Standing Committees - names**

There shall be three Standing Committees which shall be called:

- (a) the Health and Social Services Committee;
- (b) the Planning and Public Works Committee; and
- (c) the Administration and Finance Committee.

### **5.7 Standing Committees - general role**

Standing Committees shall:

- (a) guide Regional staff, through the C.A.O., on the direction and nature of policy development, fact-finding, analysis, and generation of alternatives required;
- (b) receive Delegations and establish mechanisms to receive further public input on vital public policy matters;
- (c) establish task forces and sub-committees, including the establishment of terms of reference and memberships for same, to address specified policy issues for referral back to the Committee;
- (d) provide guidance and direction to Regional staff, through the C.A.O., where policy interpretation or clarification is required during the administration or implementation of policy; and
- (e) provide Regional staff, through the C.A.O., with direction and guidance on policy and level of service priorities wherein the programs within the Committee's purview may be refined to meet established budget targets.

### **5.8 Health and Social Services Committee - role**

The Health and Social Services Committee shall:

- (a) formulate policy and enquire into and report to Council on any policy matters over which Council has authority under the Act;
- (b) be deemed to be the Allendale Committee of Management, the Creek Way Village Committee of Management, and the Post Inn Village Committee of Management, pursuant to the Long-Term Care Homes Act; and

- (c) advise, review, and refer for approval to Regional Council the current and capital budgets of the departments and/or divisions and programs over which it has jurisdiction. *(By-law No. 4-15)*

#### **5.9 Planning and Public Works Committee - role**

The Planning and Public Works Committee shall:

- (a) formulate policy and enquire into and report to Council on any policy matters over which Council has authority under the Act;
- (b) provide for the holding of any and all necessary Statutory Public Meetings with respect to the preparation of an official plan and official plan amendments in accordance with the provisions of the Act and of the Planning Act and make a written report to Council summarizing the evidence and arguments presented to the Committee and the recommendations, if any, of the Committee with reasons therefor; and
- (c) advise, review, and refer for approval to Regional Council the current and capital budgets of the departments and/or divisions and programs over which it has jurisdiction. *(By-law No. 4-15)*

#### **5.10 Administration and Finance Committee - role**

The Administration and Finance Committee shall:

- (a) formulate policy and enquire into and report to Council on administrative, personnel, legal, and general financial matters not within the purview of the Health and Social Services or Planning and Public Works Committees over which Council has authority under the Act;
- (b) provide for the holding of any and all necessary Statutory Public Meetings required under the Development Charges Act, and make a written report to Council summarizing the evidence and arguments presented to the Committee and the recommendations, if any, of the Committee with reasons therefor. The Administration and Finance Committee shall also provide for the holding of any and all necessary hearings under the Development Charges Act, and provide its recommendations to Council in writing; and
- (c) advise, review, and refer for approval to Regional Council the current and capital budgets of the departments and/or divisions and programs over which it has jurisdiction. *(By-law No. 4-15)*

### **5.11 Planning and Public Works – Halton Region Museum**

In matters dealing with the Halton Region Museum, the Planning and Public Works Committee shall approve recommendations in its capacity as the Museum Management Committee. *(By-law No. 4-15)*

### **5.12 Health and Social Services Committee - composition**

The Health and Social Services Committee shall be composed of:

- (a) 2 councillors from the City of Burlington;
- (b) 2 councillors from the Town of Oakville;
- (c) 1 councillor from the Town of Halton Hills;
- (d) 1 councillor from the Town of Milton; and
- (e) the Regional Chair *(By-law No. 149-13)*

### **5.13 Planning and Public Works Committee - composition**

The Planning and Public Works Committee shall be composed of:

- (a) 3 councillors from the City of Burlington;
- (b) 3 councillors from the Town of Oakville;
- (c) 1 councillor from the Town of Halton Hills;
- (d) 1 councillor from the Town of Milton; and
- (e) the Regional Chair *(By-law No. 149-13)*

### **5.14 Administration and Finance Committee - composition**

The Administration and Finance Committee shall be composed of:

- (a) 2 councillors from the City of Burlington;
- (b) 2 councillors from the Town of Oakville;
- (c) 1 councillor from the Town of Halton Hills;
- (d) 1 councillor from the Town of Milton; and
- (e) the Regional Chair *(By-law No. 149-13)*

### **5.15 Standing Committees – joint Meeting**

A joint Meeting of two or more Standing Committees may be called at the request of the Regional Chair, the chairs of the participating Committees, or a Majority of the Members of each Committee.

### **5.16 Attending Committee Meetings – when not a member**

Members of Council who are not members of a specific Standing Committee or other Committee may attend Meetings of that Committee and may take part in the discussion. However, these Members are not entitled to:

- (a) move Motions at the Meeting; or
- (b) vote at the Meeting.

### **5.17 Standing Committees - election of Chair and Vice-Chair**

At the first Meeting of the Standing Committee Term:

- (a) the Clerk shall hold an election for the Standing Committee Chair from among the Members of the Committee; and
- (b) the Standing Committee Chair shall hold an election for the Standing Committee Vice-Chair from among the Members of the Committee.

### **5.18 Standing Committee Chair and Vice-Chair - term**

The Standing Committee Chair and a Vice-Chair shall serve in those positions through November 30th of that Standing Committee Term, or until his/her successor is appointed.

### **5.19 Standing Committee Chair and Vice-Chair – more than one term**

A Member of a Standing Committee may serve as Chair or Vice-Chair for more than one Standing Committee Term during the term of Council.

### **5.20 Standing Committee Chair - responsibilities**

Each Standing Committee Chair shall be accountable to:

- (a) ensure that the Committee deals with policy issues effectively;
- (b) ensure public dialogue and communication on policy matters are effective and co-ordinated;
- (c) ensure the needs of the Committee for administrative support, analysis and advice are provided through the Office of the C.A.O.;
- (d) ensure that the Committee is organized into appropriately constituted sub-committees to carry out its workload; and
- (e) carry out all other duties as provided for in Section 3.1, as applicable.

### **5.21 Standing Committee Chair – absence – Alternate**

If the Standing Committee Chair must be absent from a Meeting, an Alternate may attend in his/her place; however, the Meeting shall be chaired by the Committee Vice-Chair and not the Alternate.

### **5.22 Standing Committee Chair/Vice-Chair – absence - Alternates**

If both the Standing Committee Chair and Vice-Chair must be absent from a Meeting, Alternates may attend in their place; however, a regular Member of the Committee shall be selected to chair the Meeting in accordance with Section 6.54.

## **Other Committees**

### **5.23** *(Deleted - By-law No. 105-15)*

### **5.24 Interview Committees**

In each Standing Committee Term, Council shall establish Interview Committees for each Standing Committee, to be composed of Members from that Standing Committee. Interview Committees will conduct interviews and make recommendations directly to Council on the appointment of members of the public to Local Boards, Committees and other bodies.

### **5.25 C.A.O. Recruitment Committee**

The C.A.O. Recruitment Committee shall be composed of the Regional Chair, the mayors of the four local municipalities, and the Standing Committee Chairs. The C.A.O. Recruitment Committee shall make recommendations to Council for the appointment of a C.A.O.

## **Local Boards, Committees and Other Bodies**

### **5.26 Local Boards, Committees and Other Bodies - appointments**

Where Council is required or empowered to appoint Members of Council and members of the public to Local Boards, Committees and other bodies, such appointments shall be determined by Council.

### **5.27 Local Boards, Committees and Other Bodies - advertising**

Opportunities for appointments of members of the public to Local Boards, Committees and other bodies shall be publicly advertised at the appropriate time in the local newspapers, and on the Website, and applications shall be reviewed and interviews conducted by the Interview Committee of the appropriate Standing Committee.

## **PART 6 - COMMITTEE AND COUNCIL MEETINGS**

### **Inaugural Meeting of Council**

#### **6.1 Inaugural Meeting of Council - timing**

The inaugural Meeting of Council, following a regular election, shall be held after the councils of the local municipalities have held their first meetings but, in any event, not later than December fourteenth (14<sup>th</sup>) of that year, with the date, time, and place of such Meeting to be fixed by the Clerk.

#### **6.2 Inaugural Meeting of Council – order of proceedings**

The order of proceedings shall include:

- (a) filing of certificates pursuant to the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched., as amended from time to time, and declarations of office in accordance with the provisions of Section 232 of the Act;
- (b) signing of declarations of elected office and oaths of office;
- (c) approval of the Striking Committee report;
- (d) passage of a confirming by-law and any other relevant by-laws; and
- (e) other ceremonial proceedings as deemed by Council to be necessary or desirable for the Meeting.

#### **6.3 Inaugural Meeting of Council – address by Regional Chair**

An inaugural address by the Regional Chair may be delivered at the inaugural Meeting of Council or at a subsequent Meeting of Council.

#### **6.4 Declaration of Office – copy of Procedural By-law**

The Clerk shall provide a copy of this By-law to each Member when the Member makes a declaration of office and is sworn into office and upon request thereafter.

### **Meetings**

#### **6.5 Regular Meetings - Standing Committees - location**

Standing Committees shall hold their Regular Meetings in the Council Chambers at the Halton Regional Centre, 1151 Bronte Road in Oakville, according to the approved calendar, or at such other time or place as may be designated by Council from time to time.



**6.6 Regular Meetings – Council & Committee of the Whole - location**

Council and Committee of the Whole shall hold their Regular Meetings in the Council Chambers at the Halton Regional Centre, 1151 Bronte Road in Oakville, according to the approved calendar, or at such other time or place as may be designated by Council from time to time.

**6.7 Meetings – seating arrangement**

At Standing Committee/Council Meetings, Members shall be seated in alphabetical order of the Members' surnames.

**6.8 Meetings - cancellation**

Notwithstanding any other provision contained in this By-law, a Committee Chair, the Regional Chair, or in his/her absence, the Committee Vice-Chair or Acting Regional Chair may cancel a Regular Meeting of the Committee or Council, as the case may be, if the Committee Chair, Regional Chair, Committee Vice-Chair, or Acting Regional Chair deems it appropriate.

**6.9 Evening Meetings - adjournment**

In the event that a Standing Committee or Council meets in the evening, the Meeting shall adjourn no later than 11:30 p.m.

**Special Meetings**

**6.10 Special Meetings - Committees**

A Committee Chair, or in his/her absence the Committee Vice-Chair may, at any time, call a Special Meeting of that Committee and shall do so when so requested in writing by a Majority of the Members of the Committee. In the absence of the Committee Chair and Vice-Chair, a Special Meeting shall be called by the Clerk when requested in writing by a Majority of the Members of the Committee.

**6.11 Special Meetings - Council**

The Regional Chair, or in his/her absence the Acting Regional Chair may, at any time, call a Special Meeting of Council and shall do so when requested in writing by a Majority of the Members of Council. In the absence of the Regional Chair and the Acting Regional Chair, a Special Meeting shall be called by the Clerk when requested in writing by a Majority of the Members of Council.

**6.12 Special Meetings – transaction of business - agenda**

No business may be transacted at a Special Meeting of a Committee or Council other than that specified in the notice or agenda.

### **6.13 Special Meetings - cancellation**

Notwithstanding any other provision contained in this By-law, a Committee Chair, the Regional Chair, or in his/her absence, the Committee Vice-Chair or Acting Regional Chair may cancel a Special Meeting of the Committee or Council, as the case may be, only if a Majority of the Members of the Committee or Council consents.

### **Notice of Meetings**

#### **6.14 Notice of Meeting – delivery of agendas – to Members**

The delivery of agendas to each Member of Council not less than seventy-two (72) hours before each Regular Meeting of a Committee or of Council or not less than forty-eight (48) hours before a Special Meeting of a Committee or of Council constitutes notice of a Meeting. In the event an agenda is not required for a Meeting, written notice will be provided by e-mail or personal delivery not less than forty-eight (48) hours before the Meeting.

#### **6.15 Notice of Meeting – to the public**

The approved calendar of Meetings, available on the Website, shall constitute notice of Regular Meetings of Standing Committees and Council.

#### **6.16 Notice of Meeting – Special & Statutory Public Meetings – to the public**

Notice of Special Meetings and Statutory Public Meetings will be made available on the schedule of Meetings on the Website or through the Clerk's Office.

#### **6.17 Agendas – available on Website**

Agendas, including all public attachments, will be available on the Website or through the Clerk's Office after distribution to Members, but not less than forty-eight (48) hours before a Meeting.

#### **6.18 Agendas - copies of public documents**

Any member of the public may obtain a copy of a public document included on an agenda through the Clerk's Office, for such charge as may be provided for in the Region's fees and charges by-law, as amended from time to time.

#### **6.19 Notice to Public - sufficiency**

A notice given to the public is sufficient even if there are times during the notice period when the Website is not accessible.

#### **6.20 Notice of Meeting – waiving of notice**

The waiving of the requirements of Sections 6.14, 6.15, 6.16 and 6.17 is prohibited except in the case of an Emergency.

**6.21 Notice of Meeting – lack of receipt**

Lack of receipt of notice shall not affect the validity of holding the Meeting nor any action taken at the Meeting.

**6.22 Notice of Meeting – loss of Quorum**

Notwithstanding Section 6.62, a Meeting which has been interrupted through the loss of a Quorum may be reconvened with a Quorum without notice, provided that the Meeting is reconvened on the same date.

**6.23 Notice of Meeting – advertising – Statutory Public Meetings**

To advise interested persons of Statutory Public Meetings, appropriate advertising shall be undertaken as required by applicable legislation, by-law or Regional policy.

**6.24 Notice of Cancellation of Meeting - form**

A notice of cancellation of Meeting may be sent to Members by e-mail or in writing, or the Clerk may telephone Members to notify them of the cancellation of a Meeting.

**6.25 Cancellation of Meeting – Clerk to update Website**

When a Meeting has been cancelled, the Clerk shall ensure that the schedule of Meetings available on the Website is updated to reflect the cancellation of the Meeting.

**6.26 Public Access to Meetings – open to the public**

Committee and Council Meetings shall be open to the public except as provided for in Sections 6.27, 6.28 and 6.29.

**Closed Session**

**6.27 Closed Session – in accordance with the Act**

A Committee or Council Meeting, or portion thereof, may be held in Closed Session only in accordance with the Act. The following matters may be considered in Closed Session:

- a) the security of the property of the Region;
- b) personal matters about an identifiable individual, including Regional employees;
- c) a proposed or pending acquisition or disposition of land by the Region;
- d) labour relations or employee negotiations;

- e) litigation or potential litigation, including matters before administrative tribunals, affecting the Region;
- f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g) a matter in respect of which the Committee or Council may hold a closed meeting under another act;
- h) information explicitly supplied in confidence to the Region 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 Region, 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 Region and has monetary value or potential monetary value; and
- 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 Region.

#### **6.28 Closed Session – request under MFIPPA**

A Committee or Council Meeting, or portion thereof, shall be held in Closed Session if the subject matter relates to the consideration of a request under MFIPPA.

#### **6.29 Closed Session – Workshop**

In accordance with the provisions of the Act, a Workshop, or a portion thereof, may be held in Closed Session if the following conditions are both satisfied:

- (a) the Meeting is held for the purpose of educating or training the Members; and
- (b) 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 Committee or Council.

**6.30 Closed Session - agenda**

The agenda for the Closed Session portion of the Meeting shall include a list of items to be considered at the Closed Session and shall identify the subsection of the Act, or other applicable legislation which authorizes each item to be considered at the Closed Session.

**6.31 Closed Session - resolution**

Before holding a Meeting or part of a Meeting in Closed Session, the Committee or Council shall state by resolution:

- (a) the fact of the holding of the Closed Session and the general nature of the matter to be considered at the Closed Session; or
- (b) in the case of a Meeting under Section 6.29, the fact of the holding of the Closed Session, the general nature of its subject matter, including a brief description of the matter being considered, and that it is to be closed under Section 6.29 and under Section 239(3.1) of the Act.

**6.32 Closed Session – no additions to the agenda**

Once in a Closed Session, only those items authorized by the resolution in Section 6.31 may be discussed.

**6.33 Closed Session – publicly report - resume Open Session**

Prior to moving into Closed Session, the Committee/Regional Chair shall publicly report that Open Session will resume following the end of the Closed Session.

**6.34 Closed Session - voting**

Subject to Section 6.35, a Meeting shall not be closed to the public during the taking of a vote.

**6.35 Closed Session – voting – procedural matters – staff direction**

Despite Section 6.34, a vote may be taken during a Closed Session for a procedural matter or for giving directions or instructions to officers, employees and/or agents of the Region or persons retained by, or under contract to, the Region.

**6.36 Closed Session – report on matters discussed**

After Closed Session ends, and when Open Session resumes, the Committee/Regional Chair shall publicly report that the matters discussed were those authorized by the resolution and that any votes taken were in accordance with Section 6.35, and this will be recorded in the minutes of the Open Session.

**6.37 Closed Session – distribute reports – disclose nature of discussions**

No Member shall distribute any reports or items, or disclose the nature or content of discussions regarding any matters that are part of a Closed Session.

**6.38 Disclosure - confidential documents**

Only Council may authorize the disclosure of confidential documents included in an agenda or otherwise distributed to Members.

**6.39 Closed Session – not move into Closed Session**

Committee or Council, rather than moving into a Closed Session, may simply acknowledge confidential items without discussion, and may vote in accordance with a recommendation included in a confidential report without moving into a Closed Session.

**6.40 Public Access to Meetings – Local Boards – committees - agencies**

All boards, committees, or agencies of the Region that may be described as Local Boards shall be encouraged to adopt provisions relating to public access to meetings and information similar to Section 6.27 to 6.36, all inclusive.

**6.41 Public Access to Meetings – grants of money**

All persons, groups of persons, agencies, firms or corporations that receive grants of money from the Region shall adopt provisions related to public access to meetings and information similar to those set out in Section 6.27 to 6.36, all inclusive, where such meetings and information are related to the purpose of the grant; and such grants of monies shall have attached to them such conditions as are necessary to carry out the intent of these Sections.

**6.42 Closed Session - investigation**

Pursuant to Section 239.1 of the Act, any person may request that an investigation be undertaken into whether the Region has complied with Section 239 of the Act or this By-law in respect of a Meeting or part of a Meeting that was closed to the public.

**6.43 Closed Session – suspend webstreaming**

Notwithstanding Section 12.8, webstreaming will be suspended when Committee or Council moves into a Closed Session.

**Workshops**

**6.44 Workshops – coordinated through Clerk**

Workshops shall be coordinated through the Clerk.

**6.45 Workshops – notice to Members**

Upon confirmation that a Workshop is to proceed, the Clerk shall give notice to all Members regarding the subject, date, time and location of the Workshop in accordance with Section 6.14.

**6.46 Workshops – agenda**

Whether or not an agenda is prepared for the Workshop will depend on the subject matter of the Workshop, at the discretion of the Clerk.

**6.47 Workshops – notice – to the public**

Notice of the Workshop subject, date, time and location will be made available to the public on the schedule of Meetings on the Website or through the Clerk’s Office.

**6.48 Workshops – notice - no new items on agenda**

After notice of the Workshop has been provided, no new subjects will be added to the agenda since the appropriate notification will not have been given in accordance with this By-law.

**6.49 Workshops – Quorum**

Quorum is not required for the Workshop to proceed.

**6.50 Workshops – minutes**

The Clerk shall prepare minutes of the Workshop that describes the proceedings and subject matter discussed in general terms.

**6.51 Workshops – attendance by public**

Any member of the public who attends a Workshop will be permitted to observe the proceedings during Open Session. Delegates are not permitted at Workshops.

**6.52 Workshops – no decisions**

No decisions shall be made at a Workshop. Any matter requiring a decision shall be reported back to Committee or Council for consideration and approval.

**Quorum and Call to Order**

**6.53 Quorum – call to order**

The chair for a Regular/Special Meeting of a Committee or Council shall call the Members to order as soon after the time fixed for the commencement of the Meeting as a Quorum is present.

**6.54 Call to order – Committee Chair late**

In the event that a Committee Chair does not attend a Committee Meeting at which he/she is to preside within fifteen (15) minutes after the scheduled Meeting time, the Committee Vice-Chair shall call the Meeting to order and shall preside until the arrival of the Committee Chair. Should the Committee Vice-Chair not be in attendance, then those Members in attendance shall, by resolution, nominate and elect one of themselves to act as the acting Committee Chair for that Meeting and this Member shall preside until the arrival of either the Committee Chair or the Committee Vice-Chair.

**6.55 Quorum – within fifteen minutes – Committee Meeting**

If a Quorum for a Regular/Special Committee Meeting is not present within fifteen (15) minutes of the time fixed for the commencement of the Meeting, the Committee may proceed without a Quorum being present but the report of the Committee Meeting shall clearly indicate the parts of the Meeting that were conducted without a Quorum present.

**6.56 Call to order – Regional Chair late**

In the event that the Regional Chair does not attend a Council Meeting at which he/she is to preside within fifteen (15) minutes after the scheduled Meeting time, the Acting Regional Chair for the period of time concerned shall call the Meeting to order and shall preside until the arrival of the Regional Chair. Should the Acting Regional Chair for the period of time concerned not be in attendance, the Members in attendance shall, by resolution, nominate and elect one of themselves to act as Regional Chair for that Meeting and this Member shall preside until the arrival of either the Regional Chair or the Acting Regional Chair.

**6.57 Quorum – within thirty minutes – Council Meeting**

If a Quorum for a Regular/Special Council Meeting is not present within thirty (30) minutes of the time fixed for the commencement of the Meeting, the Clerk shall indicate that no Quorum was present and the Meeting shall stand adjourned until the next Meeting of Council called in accordance with the provisions of this By-law.

**6.58 Quorum – Council – Committee of the Whole**

For the purpose of Regular/Special Meetings of Council or Committee of the Whole, a Majority of the whole Council, together representing at least three (3) local municipalities, shall form a Quorum for the Council Meeting or Committee of the Whole Meeting concerned. The Regional Chair is not included in the determination of local representation. If the Acting Regional Chair for the period of time concerned is to preside or if the appointment of one of the other Members to act as Regional Chair is required, then the Member acting as Regional Chair shall be included in the determination of local representation.



**6.59 Quorum – Majority of Members**

A Quorum for any Committee other than the Committee of the Whole shall be a Majority of the Members of that Committee.

**6.60 Quorum – joint Meeting**

A Quorum for a joint Meeting shall be the joint Majority of the Members of the participating Committees, with at least one Member present from each Committee. The Regional Chair may be counted once for the purpose of Quorum.

**6.61 Quorum – Municipal Conflict of Interest Act**

Where the number of Members who are unable to participate in a Meeting by reason of the provisions of the Municipal Conflict of Interest Act is such that at that Meeting the remaining Members are insufficient to constitute a Quorum, the remaining Members shall be deemed to constitute a Quorum, provided the number is not less than two.

**6.62 Quorum – lost – Council Meeting**

If during the course of a Council Meeting a Quorum is lost, then the Regional Chair shall declare that the Meeting shall stand recessed until a Quorum is re-established. If a Quorum cannot be re-established, the Regional Chair shall adjourn the Meeting until the date of the next Regular Meeting or other Meeting called in accordance with the provisions of this By-law.

**PART 7 - COMMITTEE AND COUNCIL MEETING AGENDAS & MINUTES**

**Agendas**

**7.1 Delivery to the Clerk - inclusion in agenda**

All reports, notices, Motions and any other material to be included in a published agenda shall be delivered in writing to the Clerk not less than ten (10) Business Days prior to the date of a Committee Meeting and not less than four (4) Business Days prior to the date of a Council Meeting.

**7.2 Agenda - Standing Committee**

The Clerk shall prepare an agenda in the following order for the use of Members at Regular Meetings of the Standing Committees and when reasonably possible for Special Meetings of the Standing Committees:

- (a) Disclosures of Pecuniary Interest
- (b)
  - (i) Delegations
  - (ii) Staff Presentations
- (c) Consent Agenda

- (d) Regular Agenda
- (e) Confidential
- (f) Miscellaneous Information Items
- (g) Other Business
- (h) Adjournment.

### **7.3 Agenda – Regular Meeting - Council**

The Clerk shall prepare an agenda in the following order for the use of Members at Regular Meetings of Council:

- (a) Roll Call
- (b) National Anthem
- (c) *(Deleted – By-law No. 63-15)*
- (d) Disclosures of Pecuniary Interest
- (e) Confirmation of Proceedings of Previous Council Meeting
- (f)
  - (i) Ceremonial Presentations
  - (ii) Delegations
  - (iii) Staff Presentations
- (g) Correspondence
- (h) Consideration of Reports and Motions in Committee of the Whole
- (i) Report of the Committee of the Whole
- (j) By-laws
- (k) Other Business/Comments of Members
- (l) Confirmation of Proceedings
- (m) Adjournment
- (n) Information Section.

#### **7.4 Agenda - Special Meeting - Council**

The Clerk, when it is reasonably possible, shall prepare an agenda in the following order for the use of Members at Special Meetings of Council:

- (a) Roll Call
- (b) National Anthem
- (c) *(Deleted – By-law No. 63-15)*
- (d) Disclosures of Pecuniary Interest
- (e)
  - (i) Delegations
  - (ii) Staff Presentations
- (f) Correspondence
- (g) Regular Agenda
- (h) By-laws
- (i) Confirmation of Proceedings
- (j) Adjournment
- (k) Information Section.

#### **7.5 Agenda - Statutory Public Meeting**

The Clerk shall prepare an agenda in the following order for the use of Members at Statutory Public Meetings:

- (a) Disclosures of Pecuniary Interest
- (b) Regular Agenda
- (c) Chair Declares the Public Meeting Open
- (d)
  - (i) Staff Presentations
  - (ii) Delegations
- (e) Other Submissions
- (f) Chair Declares the Public Meeting Closed
- (g) Adjournment

**7.6 Consent Agendas – Standing Committee**

Items of a routine nature, and/or matters of a non-controversial nature which do not require substantial discussion and/or debate may be included in the consent agenda.

**7.7 Consent Agendas – single Motion**

One or more items on the consent agenda may be adopted in a single Motion.

**7.8 Consent Agendas – speak to item**

Notwithstanding Section 7.7, a Member may speak to an item on the consent agenda prior to the consideration of the adoption of the matters listed on the consent agenda.

**Minutes**

**7.9 Minutes - secretary**

The Clerk shall be the secretary of each Standing Committee and the secretary of Council, as well as any other Committee as required by the Standing Committee concerned or Council.

**7.10 Minutes – Open Session – Closed Session**

The Clerk shall prepare minutes of all Meetings, whether they are open to the public or not, which shall record:

- (a) the type, place, date and time of Meeting;
- (b) the name of the chair;
- (c) an attendance record of the regular Members, Alternates, and Council Members present who are neither regular Members nor Alternates (if applicable);
- (d) the time of late arrival or early departure of any of the individuals listed in Section 7.10(c);
- (e) the resolutions, decisions and other proceedings of the Meeting, without note or comment;
- (f) attendance of Regional staff;
- (g) any disclosures of Pecuniary Interest; and
- (h) the time the Meeting moved in and out of Closed Session and the report pursuant to Section 6.36, if applicable.

**7.11 Minutes – record – sufficient details**

The minutes shall provide an accurate and meaningful record of open and closed proceedings by including sufficient details to identify the subjects that were discussed and the nature of the discussion, listed in chronological order.

**7.12 Minutes – Committee - defeated Motion/recommendation**

No Motion/recommendation that is defeated in Committee shall be recorded in the minutes.

**7.13 Minutes – Standing Committee reports**

The reports, including the minutes, of each Meeting of a Standing Committee shall be presented to Council at the next Regular Meeting for consideration of the recommendations therein.

**7.14 Minutes – confirmation by Council**

The minutes of each Council Meeting shall be presented to Council at the next Regular Meeting for confirmation.

**7.15 Minutes – signed by Regional Chair and Clerk**

After the minutes of each Council Meeting have been confirmed by Council, the minutes shall be signed by the Regional Chair and Clerk.

**7.16 Minutes – s. 6(1)(b) of MFIPPA - does not apply**

In accordance with Section 239(9) of the Act, Section 6(1)(b) of MFIPPA does not apply to a record of a Meeting closed under Section 6.29. As such, minutes of Closed Session Workshops shall be made available to the public.

**PART 8 – COMMUNICATIONS AND PUBLIC PETITIONS**

**Communications**

**8.1 Communications - provided to the Clerk**

The Clerk shall determine the disposition of communications received by him/her that are intended for a Committee or for Council.

**8.2 Communications - requirements**

All communications must:

- (a) be delivered in person or sent by mail, e-mail or fax;
- (b) be addressed to Council, a Committee or to the Clerk;
- (c) be legible;
- (d) include the name and the mailing address or telephone number of the author;

- (e) be in a reproducible format; and
- (f) not be defamatory or contain inappropriate content or offensive language.

Anonymous communications will not be forwarded to Members or Regional staff and will not be retained by the Clerk.

### **8.3 Communications – part of public record**

Personal information and opinions in communications received by the Clerk are part of the public record, unless the author of the communication requests the removal of his/her personal information when submitting it or the Clerk determines that the disclosure of the personal information would contravene MFIPPA.

### **8.4 Communications – consideration by Regional staff**

If the Clerk decides that a Regional staff member should consider any communication he/she receives:

- (a) the Clerk will forward a copy of the communication to the appropriate Regional staff member; and
- (b) the Regional staff member may submit a report directly to a Committee or to Council in response to the communication.

## **Public Petitions**

### **8.5 Petitions – part of the public record**

Petitions received by the Clerk become part of the public record and may be published (with signatures removed) in an agenda and on the Website.

### **8.6 Petitions – disposition by Clerk**

The Clerk shall determine the disposition of petitions received by him/her.

### **8.7 Petitions - requirements**

Petitions must:

- (a) contain a position statement at the top of each page so that the signatories know what they are supporting;
- (b) contain legible printed names of the signatories, an original signature for each signatory and the address and telephone number for each signatory. Signatures should be in a separate column and they will be removed if the petition is published in an agenda or on the Website;

- (c) contain the petition organizer's name, address and telephone number;
- (d) not contain any improper matter; and
- (e) not be defamatory or contain offensive language.

#### **8.8 Petitions – mailed – hand delivered**

Petitions may be mailed or hand delivered to the Clerk.

### **PART 9 - COMMITTEE AND COUNCIL MEETING PROCEDURES**

#### **Declaration of Pecuniary Interest**

##### **9.1 Declaration of Pecuniary Interest – responsibility to declare**

In accordance with the Municipal Conflict of Interest Act, it is the responsibility of each Councillor and the Regional Chair to, prior to any consideration of a matter at a Meeting, disclose a Pecuniary Interest in the matter and the general nature thereof, and the Councillor/Regional Chair shall:

- (a) not take part in the discussion of, or vote on, any Motion in respect of the matter; and
- (b) not attempt in any way whether before, during or after the Meeting to influence the voting on any such Motion.

##### **9.2 Declaration of Pecuniary Interest – Closed Session**

If the interest under Section 9.1 is with respect to an item dealt with at a Closed Session, in addition to complying with the requirements of Section 9.1, the Councillor/Regional Chair shall forthwith leave the Closed Session or that part of the Closed Session during which the matter is under consideration.

##### **9.3 Declaration of Pecuniary Interest – not disclosed - absent**

Where the interest of a Councillor/Regional Chair has not been disclosed as required by Section 9.1 by reason of his/her absence from the Meeting, the Councillor/ Regional Chair shall disclose his/her interest and otherwise comply with Section 9.1 at the first Meeting of the Committee or Council attended by him/her after the Meeting referred to in Section 9.1.

##### **9.4 Declaration of Pecuniary Interest – record particulars**

The Clerk shall record in reasonable detail the particulars of any disclosure of Pecuniary Interest made by Councillors/the Regional Chair and any such record shall appear in the minutes of that particular Meeting.

### **9.5 Declaration of Pecuniary Interest - record abstention**

In the case of a Councillor/Regional Chair who has declared a Pecuniary Interest on a Motion, the minutes shall reflect that the Councillor/Regional Chair abstained from the vote.

## **Speaking Rules**

### **9.6 Speaking Rules – mover and seconder**

The Chair shall give the mover of a Motion the first opportunity to speak to the Motion, followed by the seconder.

### **9.7 Speaking Rules – speak against Motion**

The mover of a Motion may not speak against his/her own Motion.

### **9.8 Speaking Rules - recognition by Chair - Committee**

A Member shall not speak in Committee until the Committee Chair has recognized him/her. In order to be recognized, the Member shall raise his/her hand and wait to be recognized by the Committee Chair.

### **9.9 Speaking Rules - recognition by Regional Chair - Council**

A Member shall not speak in Council or Committee of the Whole until the Regional Chair has recognized him/her. In order to be recognized, the Member shall raise his/her hand and wait to be recognized by the Regional Chair.

### **9.10 Speaking Rules - direction of comments – speakers' list**

When a Member has been recognized by the Committee/Regional Chair as having the floor, the Member shall direct his/her question or comment to the Committee/Regional Chair and speak only to the matter under consideration. The Committee/Regional Chair shall recognize Members who wish to speak in the order that they come to his/her attention. When the speakers' list is exhausted, before putting the Motion to a vote or leaving the item concerned, the Committee/Regional Chair shall ask whether any additional Members wish to speak to the Motion or item concerned. The speakers' list applies to the business at hand. A new amendment or amendment to an amendment requires a new speakers' list.

### **9.11 Speaking Rules - no interruptions**

When a Member is speaking, no other Member shall pass between him/her and the Committee/Regional Chair, or interrupt him/her, except to raise a point of order.

### **9.12 Speaking Rules - read Motion**

Any Member may require that the Motion under discussion be read at any time during the debate, but not so as to interrupt any Member who is speaking.



**9.13 Speaking Rules – Member - Council – Committee of the Whole – speaking limit**

In Council or Committee of the Whole, no Member shall speak more than twice on the same matter without the leave of Council, except in explanation of a material part of his/her remarks which may have been misunderstood, but then he/she shall not be permitted to introduce any new matter.

**9.14 Speaking Rules – Member - Committee – speaking limit**

In Committee, a Member may speak more than twice on a matter but only after every other Member who wishes to speak has done so.

**9.15 Speaking Rules – Member - ask questions – obtain information**

A Member may ask the Committee/Regional Chair, a Regional staff member or the originator of the Motion, questions for the purpose of obtaining information. All questions shall be stated clearly and questions shall not be used to make statements or assertions. Members are encouraged to provide questions to Regional staff prior to the Meeting so that staff may formulate a response to the question and provide it to the Member during the Meeting.

**9.16 Speaking Times – Member - Council – Committee of the Whole**

In Council or Committee of the Whole, no Member shall speak to the same Motion for any longer than ten (10) minutes each time. For the purpose of clarity, this rule only applies to Council and Committee of the Whole Meetings and not to other Committee Meetings.

**Voting**

**9.17 Calling a Vote – Member - no disturbance**

When the Committee/Regional Chair calls a vote on a Motion, no Member shall walk across or out of the room, nor make any noise or disturbance.

**9.18 Calling a Vote - no other Motion – no speaking to Motion**

After a vote is called by the Committee/Regional Chair, no Member shall speak to the Motion nor shall any other Motion be made until after the vote is taken and the result has been declared.

**9.19 Ruling by Committee/Regional Chair - not in order**

If a Member considers that a ruling made by the Committee/Regional Chair is not in order, an appeal may be made. When appealed, the Committee/Regional Chair may give a brief explanation of the ruling and ask Members to vote on whether the Committee/Regional Chair's ruling is to be upheld. In the event of a tie vote, the ruling is upheld. The decision of Committee/Council under this Section is final.

**9.20 Voting – show of hands – secret ballot**

The manner of determining the decision of a Committee or Council on a Motion where no Recorded Vote is called shall be by a show of hands and shall not be by secret vote or ballot.

**9.21 Voting – one vote each**

Each Member, including the Regional Chair, has one vote pursuant to Section 243 of the Act, and may vote at all Meetings unless prohibited by law or by this By-law.

**9.22 Voting – in place of Committee/Regional Chair**

Where a Member is acting in the place of the Committee/Regional Chair, such Member shall have and may exercise all the rights and powers of the Committee/Regional Chair while so acting but shall vote only once on all matters.

**9.23 Voting – Majority – tie vote**

Except as provided elsewhere in this By-law, a Motion shall be deemed to have been carried when a Majority of the Members present and voting (including those deemed as voting under Section 9.24) has voted in favour of the Motion. Consequently, on a tie vote, the Motion is lost.

**9.24 Voting – negative vote – do not vote**

If any Member present does not vote when a vote is taken, he/she shall be deemed as voting in the negative, except where he/she is prohibited from voting by law or by this By-law.

**9.25 Voting – announce result**

The Committee/Regional Chair shall announce the result of every vote. If a Member disagrees with the announcement of the result of any vote, he/she may object immediately and require that the vote be retaken, or the Member may request a Recorded Vote be taken pursuant to Section 9.29.

**9.26 Voting – voting in minority**

If a Member voted in the minority, the Member may request that his/her vote be recorded in the minutes. Such request shall be made immediately after the vote is taken.

**9.27 Voting – support by mover - seconder**

In voting, all Motions may be supported or opposed by the mover and/or seconder.

## **Recorded Voting**

### **9.28 Recorded Voting**

The provisions of Sections 9.21, 9.22, 9.23, 9.24 and 9.27 also apply to Recorded Votes.

### **9.29 Recorded Voting – required by Member – Council – Committee of the Whole**

In Council or Committee of the Whole Meetings, any Member may require a Recorded Vote to be taken on the Motion concerned before or immediately after a vote is taken.

### **9.30 Recorded Voting – not permitted - Committee**

Recorded Votes are not permitted in Committee Meetings, other than Committee of the Whole Meetings.

### **9.31 Recorded Voting – in favour – rise - opposition**

When a Recorded Vote is permitted and required, the Regional Chair shall call for those Members in favour to all rise, if they are able, at which time the Clerk shall record the name of each Member standing and his/her vote in favour; then the Regional Chair shall call for those Members opposed to all rise, if they are able, at which time the Clerk shall record the name of each Member standing and his/her vote in opposition. The Clerk shall then record the name of each Member who abstained from voting pursuant to Section 9.5 and 9.24 and how they were deemed to have voted, if applicable.

### **9.32 Recorded Voting – unable to rise – show of hands**

If a Member is unable to rise, he/she shall indicate his/her vote by a show of hands.

### **9.33 Recorded Voting – announce result**

The Regional Chair shall announce the result of the Recorded Vote.

## **Notice of Motion and Motions**

### **9.34 Motion – notice required**

Except as otherwise provided for in this By-law, notice must be provided when a Motion is to be introduced at a Council Meeting or during Committee of the Whole.

### **9.35 Motion – submitted to Clerk – in writing**

The Motion must be submitted to the Clerk in writing, not less than four (4) Business Days prior to the Council Meeting. The Motion must be sent or signed by the mover and does not require a seconder.

**9.36 Motion – inclusion in agenda**

The Clerk shall include the Motion, in full, in the agenda for the Meeting concerned and the Motion shall be dealt with at this Meeting. This action shall constitute the notice required by Section 9.34.

**9.37 Notice of Motion – dealt with at next Regular Council Meeting**

Notwithstanding Section 9.36, during the other business portion of the Council agenda, a Member may bring forward a Motion without the required notice, with the stipulation that said Motion be dealt with at the next Regular Council Meeting.

**9.38 Motion – notice not required**

Notwithstanding Section 9.34, the following Motions may be introduced during a Council Meeting without notice and without leave:

- (a) a point of order or personal privilege;
- (b) to close debate;
- (c) to adjourn;
- (d) to suspend the rules of procedure;
- (e) to table;
- (f) to postpone definitely;
- (g) to refer;
- (h) to amend;
- (i) to postpone indefinitely (defer); and
- (j) any other procedural motion.

**9.39 Notice of Motion – Standing Committees – not required**

Notice is not required when a Motion is to be introduced at a Standing Committee Meeting.

**9.40 Notice of Motion – recommendation – Standing Committee reports**

Any recommendations contained in the Standing Committee reports listed in a Council agenda shall constitute Notice of Motion.

**9.41 Notice of Motion – staff reports – directly before Council**

Staff reports that go directly before Council for consideration and appear in a Council agenda shall constitute Notice of Motion for the purposes of any Motion brought at Council with respect thereto.

**9.42 Notice of Motion – Emergency – 2/3 vote**

Notwithstanding the foregoing, any Motion or other business may be introduced for consideration of Council provided that it is made clear that to delay such Motion or other business for consideration at an appropriate Standing Committee or future Council meeting would not be in the best interest of the Region and that the introduction of the Motion or other business shall be upon an affirmative vote of two-thirds (2/3) of the Members of Council present.

**9.43 Motions – in writing – Council – Committee of the Whole**

In Council and Committee of the Whole Meetings, all Motions must be in writing and signed by the mover and seconder, except for the following Motions which may be introduced verbally:

- (a) a point of order or personal privilege;
- (b) to close debate; and
- (c) to adjourn.

**9.44 Motions – Committee – not required to be submitted in writing**

In Committee Meetings, Motions are not required to be submitted in writing or to have a seconder.

**9.45 Motions – withdraw – prior to being stated by Committee/Regional Chair**

The mover may withdraw a Motion or a Notice of Motion at any time prior to it being stated by the Committee/Regional Chair. If withdrawn prior to being read, the Motion is not included in the minutes of the Meeting.

**9.46 Motions – withdraw – after being stated by Committee/Regional Chair**

After a Motion has been stated by the Committee/Regional Chair, it shall be deemed to be in the possession of Committee/Council, but may be withdrawn by the mover at any time before a decision or amendment, provided Committee/Council does not object.

**9.47 Motions – beyond jurisdiction – not in order**

A Motion in respect of a matter which is beyond the jurisdiction of a Committee/Council shall not be in order except a matter which, in the opinion of the Majority of the Committee/Council, has to do with the welfare of the

citizens generally. The question of the opinion is to be decided without debate.

**9.48 Motions – deferred - withdrawn**

A Motion that has been stated by the Regional Chair may be deferred a total of three (3) times and shall be deemed to be withdrawn after the third (3<sup>rd</sup>) deferral.

**9.49 Appendix B – Common Motions**

Appendix B: “Common Motions” forms part of this By-law and shall be used as a reference.

**9.50 Appendix C – Motions Table**

Appendix C: “Motions Table” forms part of this By-law and shall be used as a reference.

**9.51 Appendix D – Committee/Council/Committee of the Whole – comparison**

Appendix D: “Committee/Council/Committee of the Whole Differences” forms part of this By-law and shall be used as a reference.

**PART 10 – CEREMONIAL PRESENTATIONS, STAFF PRESENTATIONS & DELEGATIONS**

**10.1 Ceremonial Presentations – at a Council Meeting**

Members of the public or Regional staff may, with the approval of the Regional Chair, attend a Council Meeting for the purpose of a ceremonial presentation or an awards presentation. A request to appear shall be provided to the Clerk no later than four (4) Business Days prior to a Council Meeting.

**Delegations**

**10.2 Delegations – appropriate Meeting**

Delegates shall be encouraged to appear before the appropriate Standing Committee prior to appearing before Council.

**10.3 Delegations - requests to appear**

Requests to appear before a Committee or Council may be made in writing, or verbally, and shall include:

- (a) the Delegate’s full name;
- (b) the Delegate’s mailing address and, if applicable, e-mail address;
- (c) the Delegate’s telephone number;

- (d) an outline of the nature of the Delegation;
- (e) if applicable, the name, address and telephone number of any person, group or organization that the Delegate is representing; and
- (f) the specific action being requested of Committee/Council.

#### **10.4 Delegations - submission of request to appear - listed on agenda**

Delegates who wish to address an item appearing on an agenda must provide the Clerk with a request to be listed on the agenda within the following timeframes:

- (a) no later than ten (10) Business Days before a Committee Meeting; or
- (b) no later than four (4) Business Days before a Council Meeting.

#### **10.5 Delegations - submission of request to appear - not listed on agenda**

Delegates who wish to address an item appearing on an agenda but do not provide the Clerk with a request to appear as a Delegate within the timeframes listed in Section 10.4 have until 4:30 p.m. on the Business Day prior to the Meeting to provide the Clerk with a request to appear. The names of these Delegates will not appear in the agenda and the rules of this By-law will have to be waived at the Meeting to permit the Delegates to address the Committee/Council.

#### **10.6 Delegations – Council – not Standing Committee**

If a Delegate wishes to appear before Council to address an item appearing on the Council agenda without first appearing before the Committee which dealt with that item, he/she shall provide the Clerk with a request to appear before Council no later than four (4) Business Days prior to the Council Meeting. The request must be approved by the Regional Chair.

#### **10.7 Delegations – item not on agenda – appear before Committee/Council**

Delegates who wish to appear before a Committee/Council on a new item that is not scheduled to appear on an agenda shall provide a request to the Clerk. The Delegate may be included on the next appropriate Committee or Council agenda.

#### **10.8 Delegates – Statutory Public Meetings**

Notwithstanding Section 10.4, Delegates are not required to submit a request to the Clerk in order to speak at a Statutory Public Meeting.

### **10.9 Delegate – not permitted**

In exceptional circumstances, notwithstanding Sections 10.4, 10.5, 10.6, and 10.7, where the CAO and Clerk determine, acting reasonably, that a person requesting to be a Delegate at a Meeting is likely to engage in Unreasonable or Offensive Conduct, make unreasonable or offensive statements or demands, repeatedly speak on a subject matter that is not within the Region's jurisdiction, or otherwise misuse the privilege of addressing Committee or Council, the person will not be permitted to appear as a Delegate at the Meeting.

### **10.10 Delegate – inform requester why he/she not permitted**

If a person is refused Delegate status in accordance with Section 10.9, the Clerk shall:

- (a) notify the requester that he/she will not be permitted to appear as a Delegate, and provide reasons for the decision; and
- (b) inform the Members of the decision to deny the request.

### **Speaking Times**

#### **10.11 Speaking Times – ceremonial presentations – Staff Presentations**

Staff Presenters and speakers involved in ceremonial presentations or awards presentations shall be given ten (10) minutes to address a Committee or Council.

#### **10.12 Speaking Times – Delegates**

Delegates shall be given:

- (a) ten (10) minutes to address a Committee;
- (b) five (5) minutes to address Council;

#### **10.13 Speaking Times – answering questions – Staff Presenter - Delegate**

The time spent receiving and answering questions from Members shall not be deducted from the speaking time provided to Staff Presenters or to Delegates.

#### **10.14 Speaking Times – unused time - Delegate**

Delegates will not be permitted to assume any unused speaking time allocated to another Delegate.



### **10.15 Delegations – group – spokesperson and speaking times**

Groups are encouraged to select a spokesperson to present their views. However, if a Delegation involves two or more people, the total presentation is still limited to the speaking times set out in Section 10.12.

### **10.16 Delegations – repeated information**

Delegates are encouraged not to repeat information presented by an earlier Delegate.

### **10.17 Delegations – translator – speaking times**

Delegates may use a translator, and the translation time does not count towards speaking times.

### **10.18 Extend Speaking Time - Delegates – Staff Presenters**

Notwithstanding Sections 10.11 and 10.12, speaking times for Delegates and Staff Presenters may be extended or limited if the Committee/Regional Chair obtains the approval of the Committee/Council.

## **General**

### **10.19 General - questions to Delegates and Regional staff**

Following a Delegation or Staff Presentation, Members shall be limited to asking questions for clarification or for additional and relevant information only.

### **10.20 General - Delegates – Staff Presenters - conduct**

No Delegate or Staff Presenter shall:

- (a) speak disrespectfully of any person;
- (b) use offensive words;
- (c) speak on any subject other than the subject for which they have received approval to address the Committee or Council; or
- (d) disobey the rules of procedure or a decision of the Committee/Regional Chair or a decision of the Committee/Council.

### **10.21 Delegations – interrupt Delegation or Staff Presentation**

The Committee/Regional Chair may interrupt any person appearing before the Committee/Council for disorder or any other breach of this By-law, and the person shall withdraw if the Committee/Regional Chair so rules.

### **10.22 Electronic Presentations – copies to Clerk**

The Council Chambers are equipped to show electronic presentations. If persons appearing before a Committee/Council would like to show an

electronic presentation, they are encouraged to provide a copy of their presentation by e-mail, memory stick, or other means to the Clerk in advance of the Committee/Council Meeting.

**10.23 Presentations – copies to Clerk**

Persons who appear before a Committee/Council who have materials they would like distributed to Members are encouraged to provide the Clerk with hard copies of the documents in advance of the Meeting

**PART 11 – BY-LAWS**

**11.1 By-Laws - consideration of subject matter**

No by-laws shall be presented to Council, except by waiving the rules, unless the subject matter thereof has been considered and approved by Council at the Meeting where the by-laws are to be presented or at a previous Meeting.

**11.2 By-Laws - in writing – introduced by Motion**

Every by-law shall be in writing and shall be introduced upon a Motion by a Member.

**11.3 By-Laws - signed - sealed**

Every by-law which has been passed by Council shall be signed by the Regional Chair and Clerk, the corporate seal affixed thereto, and kept in the office of the Clerk for safekeeping.

## **PART 12 - CONDUCT DURING MEETINGS**

### **Conduct of Members**

#### **12.1 Conduct of Members – Committee - Council**

No Member shall:

- (a) speak disrespectfully of the Reigning Sovereign, any of the Royal Family, the Governor General of Canada, and the Lieutenant Governor of any Province or any member of the federal or provincial government;
- (b) use offensive words in or against the Committee or Council or against any Member;
- (c) speak on any subject other than the subject under debate;
- (d) criticize any decision of a Committee or Council except for moving, in accordance with the provisions of this By-law, that a Motion be reconsidered; or
- (e) speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.

#### **12.2 Conduct of Members – disregard rules of procedure – points of order**

If a Member disregards the rules of procedure or a decision of the Committee/Regional Chair on points of order, practice and/or interpretation of the rules, and persists in such conduct after having been called to order by the Committee/Regional Chair, the Committee/Regional Chair shall move "that if the Member apologizes he/she may, by a vote of the Committee/Council, be permitted to remain in his/her seat." This Motion is not debatable. If the Member fails to apologize, the Member will be ordered by the Committee/Regional Chair to leave the Meeting.

#### **12.3 Conduct of Members – electronic devices - distraction**

With the exception of assistive devices required by persons with disabilities, electronic devices shall be turned off during Meetings or otherwise set so as not to emit any audible sound. In the event that the Committee/Regional Chair determines that the use of an electronic device distracts from the business of a Meeting, he/she may direct the Member in question to turn off or cease the use of such electronic device.

## **Public Conduct**

### **12.4 Public Conduct – Committee - Council**

Members of the public attending Committee/Council Meetings shall maintain order and quiet and shall not address Committee/Council except with the permission of Committee/Council.

### **12.5 Public Conduct – bar of Council**

No person except Members of Council, the Clerk, the Clerk's agents, and the C.A.O. shall be allowed to come within the bar of Council during Meetings held in the Council Chambers without the permission of the Committee/Regional Chair or the Committee/Council.

### **12.6 Public Conduct – signs - disruption**

No person shall display signs or placards, applaud, heckle or engage in conversation or other behaviour which may be considered to be disruptive, inconsiderate, disrespectful or intimidating to others.

### **12.7 Public Conduct – electronic devices - disruption**

Cellular telephones, pagers and other electronic devices, with the exception of assistive devices required by persons with disabilities, shall be turned off during Meetings or set so they do not emit any audible sound and their use shall be limited so as not to disrupt the proceedings of Committee/Council.

### **12.8 Public Conduct – webstreaming - Website**

Even-though Meetings are broadcast live through webstreaming and are archived on the Website for repeat viewing, the use of cameras, electric lighting equipment, recording equipment, television cameras and any other device of a mechanical, electronic or similar nature by the public or the media may be permitted provided that it is not disruptive to the Meeting. The location of such devices will be at the discretion of the Committee/Regional Chair and/or the Clerk.

### **12.9 Public Conduct – no food – Council Chambers**

Food shall not be brought into the Council Chambers.

### **12.10 Public Conduct – Committee – Council - language**

When invited to address Committee/Council, no person shall use indecent, offensive or insulting language or speak disrespectfully of any individual listed in Section 12.1, any Member, or any employee of the Region.

### **12.11 Public Conduct – expelled from Meeting**

Any person, other than a Member of Committee/Council, who contravenes any provision of Section 12.4 to 12.10, or otherwise engages in Unreasonable or Offensive Conduct or any other improper conduct, may be expelled from the Meeting by the Committee/Regional Chair.

## **PART 13 – REPEAL, SHORT TITLE, COMMENCEMENT**

### **13.1 Repeal**

By-law No. 133-09, as amended, is hereby repealed.

### **13.2 Short Title**

This By-law shall be known as the Procedural By-Law.

### **13.3 Commencement**

This By-law comes into force on the day it is passed.

READ and PASSED this 19th day of June, 2013.

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REGIONAL CHAIRMAN

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REGIONAL CLERK

Report No. LPS30-13

## **APPENDIX A: COUNCIL CODE OF CONDUCT**

### **PREAMBLE**

Since its inception in 1974, Council has demanded a high level of integrity and ethical conduct from its Members. The Region's exemplary reputation has relied upon the good judgement of individual Members of Council. While tacit understandings have served well for many years, a written Code of Conduct helps to ensure that all Members share a common basis for acceptable conduct. Formalized standards help to provide a useful reference guide and a supplement to the legislative parameters within which Members must operate. Further, they enhance public confidence that the Region's elected representatives operate from a base of integrity, justice, and courtesy.

This Code of Conduct is a general standard. It augments the laws which govern the behaviour of Members, and it is not intended to replace personal ethics.

### **1. GENERAL**

All Members shall serve their constituents in a conscientious and diligent manner. No Member shall use the influence of office for any purpose other than for the exercise of his/her official duties.

### **2. GIFTS AND BENEFITS**

Members shall not accept fees, gifts or personal benefits that are connected directly or indirectly with the performance of duties as elected Members, except compensation authorized by law. This Section does not apply to tokens, mementos, souvenirs, or such gifts or benefits that are received as an incident of protocol or social obligations that normally accompany the responsibilities of office.

### **3. CONFIDENTIALITY**

All information, documentation, or deliberations received, reviewed, or taken in Closed Sessions of Committees and Council are confidential.

Members shall not disclose or release by any means to any member of the public, either in verbal or written form, any confidential information acquired by virtue of their office, except when required by law to do so, and shall not permit any persons other than those who are entitled thereto to have access to information which is confidential.

Particular care should be exercised in releasing information including, but not limited to, the following:

- personnel matters;
- information about suppliers provided for evaluation which might be useful to other suppliers;
- matters relating to the legal affairs of the Region;
- sources of complaints where the identity of the complainant is given in confidence;
- items under negotiation;
- schedules of prices in contract tenders;
- information deemed to be personal information under MFIPPA.

The list above is provided for example and is not exclusive.

#### **4. USE OF REGIONAL PROPERTY**

No Member shall use for personal purposes any Regional property, equipment, supplies, or services of consequence other than for purposes connected with the discharge of Regional duties or associated community activities of which Council has been advised.

No Member shall obtain financial or political gain from the use or sale of Region-developed intellectual property, computer programs, computer hardware and software, the Region's Website, technological innovations, or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the Region and must only be used for Regional business.

#### **5. WORK OF A POLITICAL NATURE**

No Member shall use Regional facilities, services or property for his/her re-election campaign. No Member shall use the services of Regional employees for his/her re-election campaign during hours in which the employees are in the paid employment of the Region.

#### **6. CONDUCT AT COMMITTEE AND COUNCIL**

During Committee and Council Meetings, Members shall conduct themselves with decorum by demonstrating respect for Delegates and for fellow Members. Members shall be courteous and not distract from the business of the Committee or Council Meeting. Members shall not enter into debate with Delegates or presenters and may be called upon by the Committee/Regional Chair as per Section 12.2.

## **7. REPRESENTING THE REGION**

Members shall make every effort to participate in the activities of the Local Boards, Committees and other bodies to which they are appointed.

## **8. INFLUENCE ON STAFF**

Members shall be respectful of the fact that staff work for the whole corporation and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual Member or faction of Council.

## **9. BUSINESS RELATIONS**

No Member shall borrow money from any person who regularly does business with the Region unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

No Member shall act as a paid agent before Committee or Council or any agency, board, or committee of the Region, except in compliance with the terms of the Municipal Conflict of Interest Act.

## **10. ENCOURAGEMENT OF RESPECT FOR THE REGION AND ITS BY-LAWS**

Members shall encourage public respect for the Region and its by-laws.

## **11. HARASSMENT**

Harassment of another Member, staff or any member of the public is misconduct. It is the policy of the Region that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

Harassment may be defined as any behaviour by any person, including a co-worker, that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, or disability and any other prohibited grounds under the provisions of the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended from time to time.

## **12. INTERPRETATION**

Members of Council seeking clarification of any part of this Code of Conduct should consult with the Clerk or Corporate Counsel.



## **APPENDIX B: COMMON MOTIONS**

### **MOTION TO ADJOURN**

- 1.1 A Motion to Adjourn without qualification brings a Meeting to an end. Unfinished business is carried over to the next Meeting.
- 1.2 A Motion to Adjourn:
  - (a) is always in order except:
    - (i) when a Member is speaking or when Members are voting or are about to vote or during the verification of the vote;
    - (ii) immediately following the carriage of a Motion to Close Debate
  - (b) is not debatable;
  - (c) is not amendable; and
  - (d) when resolved in the negative, cannot be presented again prior to further business being conducted.
- 1.3 A Motion to Adjourn to a specific time, or to reconvene upon the happening of a specified event, suspends a Meeting to continue at such time.

### **MOTION TO RECESS**

- 2.1 A Motion to Recess temporarily suspends business for a short intermission. Business is resumed at the same point at the end of the intermission. The Motion to Recess shall specify the length of time of the recess and:
  - (a) is amendable only with respect to the length of the recess;
  - (b) is not debatable; and
  - (c) requires a Majority vote.

### **MOTION TO LIMIT OR EXTEND DEBATE**

- 3.1 A Motion to Limit or Extend Debate permits a Committee/Council to control the discussion of a Motion by setting limits on the time available for discussion before voting on the pending Motion. A Motion to Limit or Extend Debate:
- (a) is not debatable;
  - (b) is amendable as to the time limits involved; and
  - (c) requires a 2/3 vote.

### **MOTION TO CLOSE DEBATE (CALL THE QUESTION)**

- 4.1 When decided in the affirmative, a Motion to Close Debate brings Members to an immediate vote on the pending Motion, without further debate or comment. A Motion to Close Debate:
- (a) is not debatable;
  - (b) is not amendable;
  - (c) cannot be moved with respect to the main Motion when there is an amendment under consideration;
  - (d) should be moved by a Member who has not already debated the Motion; and
  - (e) requires a two-thirds (2/3) vote to carry.

### **POINT OF PERSONAL PRIVILEGE**

- 5.1 A Point of Personal Privilege is not related to a Motion on the floor, but rather affects individual Members. It is in order only when the dignity, safety or reputation of a Member or Committee/Council is at stake.
- 5.2 The Motion allows Members to interrupt the Meeting to state an urgent request. When a point of personal privilege is raised, it shall be considered and decided by the Committee/Regional Chair immediately. The decision of the Committee/Regional Chair on a Point of Personal Privilege may be appealed to the Committee/Council.

## **MOTION TO TABLE**

- 6.1 A Motion to Table allows a pending main Motion to be put aside temporarily when something else of an urgent nature has arisen. A Motion to Table:
  - (a) is not debatable; and
  - (b) is not amendable.
- 6.2 A Motion to Table a matter with some condition, opinion or qualification added to the Motion shall be deemed to be a Motion to Postpone.
- 6.3 The matter tabled shall not be considered again by the Committee/Council until a Motion has been made to take up the tabled matter at the same or subsequent Meeting of the Committee/Council.
- 6.4 A Motion to take up a tabled matter is not subject to debate or amendment.
- 6.5 A Motion that has been tabled at a previous Meeting of the Committee/Council cannot be taken from the table unless notice thereof is given in accordance with Section 9.34.
- 6.6 A Motion that has been tabled and not taken from the table for six (6) months shall be deemed to be withdrawn and cannot be taken from the table.

## **MOTION TO POSTPONE (DEFER) DEFINITELY**

- 7.1 A Motion to Postpone Definitely puts off action on a pending Motion to a definite day, time, meeting or until after a certain event.
- 7.2 A Motion to Postpone Definitely:
  - (a) is debatable, but only as to whether a matter should be postponed and to what time;
  - (b) is amendable as to time; and
  - (c) has precedence over the Motions to Refer, to Amend, and to Postpone Indefinitely.

## **MOTION TO REFER (TO COMMITTEE/ REGIONAL STAFF)**

- 8.1 A Motion to Refer sends a Motion to a Committee, or back to Regional staff so that it can be investigated and brought back to a Standing Committee/Council.
- 8.2 A Motion to Refer should state the Committee that the Motion is to be referred to and when the Committee should report back to the Standing Committee/Council.
- 8.3 A Motion to Refer:
  - (a) is debatable, but only as to whether the Motion should be referred to a Committee, and not to debate the main Motion;
  - (b) is amendable; and
  - (c) has precedence over all amendments of the main Motion and any Motion to postpone indefinitely or to table the Motion.

## **MOTION TO AMEND**

- 9.1 A Motion to Amend changes the wording of a Motion before it is voted on.
- 9.2 A Motion to Amend must relate to the pending Motion. No new business may be introduced by moving an amendment to a Motion.
- 9.3 An amendment which, in effect, is nothing more than a rejection of the main Motion (ie. a contrary Motion) is not in order.
- 9.4 On an amendment, Members may only debate the merits of the amendment, not the merits of the Motion the amendment proposes to amend.
- 9.5 An amendment may only be amended once, and the amendments must relate to each other.
- 9.6 Voting on a Motion to Amend shall be in the following order:
  - (a) First vote – the amendment to an amendment;
  - (b) Next vote – the original amendment;

(c) Final vote – the main Motion (if an amendment is adopted, the final vote will be on the main Motion, as amended).

9.7 Notwithstanding anything herein to the contrary, no Motion to amend the Motion to adopt any report of the Committee of the Whole shall be permitted.

### **MOTION TO POSTPONE (DEFER) INDEFINITELY**

10.1 The adoption of a Motion to Postpone Indefinitely kills the main Motion and avoids a direct vote on it.

10.2 A Motion to Postpone Indefinitely:

(a) can be applied only to the main Motion and can only be made while the main Motion is immediately pending;

(b) is debatable, and debate may go into the merits of the main Motion;

(c) is not amendable; and

(d) has precedence over no other Motion.

### **POINT OF ORDER**

11.1 Point of Order is the Motion that is used to alert the Members to a breach of procedure.

11.2 When a Member wishes to raise a Point of Order, the Member shall be recognized by the Committee/Regional Chair and shall then state the Point of Order to the Committee/Regional Chair. The Committee/Regional Chair shall decide on the Point of Order.

11.3 After the Committee/Regional Chair has decided on the Point of Order, a Member may appeal the decision to the Committee or Council.

11.4 If a Member does not appeal, the decision of the Committee/Regional Chair shall be final. If a Member appeals to the Committee or Council, the Committee/Council shall decide the appeal without debate and the decision shall be final.

## **MOTION TO SUSPEND THE RULES (WAIVE THE RULES)**

- 12.1 A Motion to Suspend the Rules is used when a Committee or Council wishes to do something during a Meeting that would violate the rules of procedure. A Motion to Suspend the Rules:
- (a) is not debatable;
  - (b) is not amendable;
  - (c) requires a two-thirds (2/3) vote to carry; and
  - (d) takes precedence over any Motion if it is for a purpose connected with that Motion and yields to a Motion to Table.

## **MOTION TO RECONSIDER**

- 13.1 A Motion to Reconsider allows Members to reconsider the vote on a Motion.
- 13.2 A Motion to Reconsider:
- (a) is debatable;
  - (b) is not amendable;
  - (c) requires a two-thirds (2/3) vote to carry, regardless of the vote necessary to adopt the Motion to be reconsidered; and
  - (d) must be reconsidered within one year of the date on which the Motion was adopted.
- 13.3 After any Motion, except one of Indefinite Postponement, has been decided by Council, any Member who was present and who voted in the Majority may, at a subsequent Meeting of Council, move for the reconsideration thereof, provided due notice of such intention is given as required by this By-law, but no discussion of the main Motion by any person shall be allowed unless the Motion to Reconsider has first been adopted.

- 13.4 After any Motion, except one of indefinite postponement, has been decided by a Committee, but before a decision thereon by Council, any Member who was present and who voted in the Majority may, at a subsequent Meeting of the Committee, move for the reconsideration thereof, provided due notice of such intention is given as required by this By-law, but no discussion of the main Motion by any person shall be allowed unless the motion to reconsider has first been adopted.
- 13.5 No Motion upon which a notice of reconsideration has been accepted shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.
- 13.6 If a Motion to Reconsider is decided in the affirmative, reconsideration shall become the next order of business and debate on the Motion to be reconsidered shall proceed as though it had never previously been considered.
- 13.7 To reconsider a Motion at a Council Meeting, notice must be submitted to the Clerk forty-eight (48) hours in advance of the Council Meeting. If notice is not received, then a two-thirds (2/3) vote is required during the Council Meeting to introduce a Motion to Reconsider.

#### **DIVISION OF A QUESTION**

- 14.1 Division of a Question is used when a Motion has several parts and the Members wish to vote on each part separately.
- 14.2 The parts of the Motion must be able to stand alone for Division of a Question to be in order.
- 14.3 A Motion to Divide a Question:
  - (a) is not debatable; and
  - (b) is amendable.

## APPENDIX C: MOTIONS TABLE

Motion	Debatable	Non-Debatable	Amendable	Non-Amendable	Majority Vote	Other Vote
adjourn {Appendix B, Section 1.2}		X		X	X	
amend {Appendix B, Sections 9.1-9.7}	X		X		X	
amend the procedural by-law {Section 2.5}	X		X			$\frac{3}{4}$ of Members of whole Council
close debate (call the question) {Appendix B, Section 4.1}		X		X		2/3
division of a question {Appendix B, Section 14.3}		X	X		X	
limit or extend debate {Appendix B, Section 3.1}		X	X			2/3
point of order {Appendix B, Section 11.1-11.4}		X		X	X*	
point of personal privilege {Appendix B, Sections 5.1, 5.2}		X		X	X*	
postpone (defer) definitely {Appendix B, Section 7.2}	X		X		X	



Motion	Debatable	Non-Debatable	Amendable	Non-Amendable	Majority Vote	Other Vote
postpone (defer) indefinitely {Appendix B, Section 10.2}	X			X	X	
recess {Appendix B, Section 2.1}		X	X		X	
reconsider {Appendix B, Section 13.2}	X			X		2/3
refer {Appendix B, Section 8.3}	X		X		X	
suspend the rules (waive the rules) {Appendix B, Section 12.1}		X		X		2/3
table – lay on the table/take from the table {Appendix B, Section 6.1}		X		X	X	

\*on appeal following ruling by Committee/Regional Chair

## APPENDIX D: Committee/Council/Committee of the Whole Differences

<b>Issue</b>	<b>In Committee</b>	<b>In Council Committee of the Whole</b>
Ceremonial Presentations – speaking time	Not permitted	10 minute limit *not permitted in Committee of the Whole
Delegations – speaking time	10 minute limitation	5 minute limitation *not permitted in Committee of the Whole
Motions – making	Motions may be in writing or verbal	Motions must be in writing other than those specified in section 9.38
Motions – seconding	Seconding not required	All motions must be seconded
Notice of Motion	No notice of motion required	Notice of motion required
Quorum	Majority of Committee	Majority of Council with 3 local municipalities
Recorded vote	Not allowed	Allowed
Speaking – length of time	No limitation	10 minute limitation each time
Speaking – number of times	No limitation	2 times only per issue