

## THE CORPORATION OF THE CITY OF WELLAND

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**THE CORPORATION OF THE CITY OF WELLAND**

**BY-LAW NUMBER 2017 - 6**

**BEING A BY-LAW TO GOVERN THE PROCEEDING  
AND CONDUCT OF COUNCIL AND THE COMMITTEES  
THEREOF AND TO REPEAL BY-LAW 2013-126**

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

AND WHEREAS Council deems it necessary and advisable to establish rules governing the order and procedure of the Council and its Committees to comply with the said **Municipal Act, 2001**.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

**ARTICLE 1 - INTERPRETATIONS**

- 1.1 In this By-law,
- (a) "Chair" means the Mayor or person presiding over the meeting;
  - (b) "City" means The Corporation of the City of Welland;
  - (c) "City Manager" means the Chief Administrative Officer of the City;
  - (d) "Clerk" means the Clerk of The Corporation of the City of Welland;
  - (e) "Committee" means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards;
  - (f) "Committee-of-the-Whole" means all Members of Council present at a meeting sitting in Committee;
  - (g) "Committee-of-the-Whole In-Camera" means the same as Committee of the Whole except that all or some members of staff, media and/or public are excluded;
  - (h) "Confirmatory by-law" means a by-law that is passed to authorize the proceedings and actions of Council at its meetings and to authorize the execution of agreements and documents related to said meetings;
  - (i) "Council" means the Council of The Corporation of the City of Welland;
  - (j) "Councillor(s)" means a Member(s) of Council;
  - (k) "Defer" means to postpone discussion on a motion until a specific meeting date, time and/or place; a motion to defer is not debatable except for reasons of the appropriateness of the date, time, and place for the matter to come back for deliberation;
  - (l) "General Committee" means Members of Council acting as a standing committee to Council, operating through Corporate Services and Integrated Services;
  - (m) "Head of Council" means the Mayor;
  - (n) "In-camera meeting" means meetings closed to the public under authority of the **Municipal Act, 2001**;
  - (o) "Investigative Officer" means a person or agency appointed by Council to investigate complaints where an abuse of a closed meeting procedure is perceived;

- (p) "Mayor" means the Head of Council;
- (q) "Member" means a Member of the Council of The Corporation of the City of Welland;
- (r) "Petition" means a document addressed to the Council of the City of Welland that contains the printed name and address and signature of the petitioner, is legible, produced in ink, and contains on each page a clear description of the matter being brought forward and that the petition once submitted to the Clerk becomes a record that is publicly available. (see prescribed form of Petition attached hereto as Schedule "C");
- (s) "Point of Order" may be called to bring attention to:
  - (i) any breach of the Rules of Order of Council; or
  - (ii) any defect in the constitution of any meeting of the Council; or
  - (iii) the use of improper offensive or abusive language;
  - (iv) notice of the fact that the matter under discussion is not within the scope of the proposed motion; or
  - (v) any other informality or irregularity in the proceeding of Council.
- (u) "Point of Personal Privilege/Point of Privilege" relates to all matters affecting the rights of Members, both as individuals and as a Council and is regarded as the Member's right to correct inaccuracies or explain circumstances they believe affect themselves adversely or reflect improperly upon Council as a whole.
- (v) "Presiding Officer" means a person appointed by the Members present at a Council meeting in the event the Mayor and Vice-Mayor are not in attendance within fifteen (15) minutes after the hour appointed for the Council meeting;
- (w) "Recorded Vote" means the recording by the Clerk of the name and vote of every Member present on any matter or question;
- (x) "Refer" means to send a matter to a specific committee, staff, or other appropriate body requesting further information or for review and comment; a motion to refer is not debatable except for reasons of the appropriateness of the referral including to whom the matter is being referred and why;
- (y) "Vice Mayor" means a Member of Council appointed by by-law, in each year, with the consent of the Head of Council to act in place of the Head of Council on any body, other than on the council of another municipality, of which the Head of Council is a member by virtue of being Head of Council, in accordance with **section 226 of the Municipal Act, 2001**.

## **ARTICLE 2 - ROLES**

### **Council**

2.1 Council shall comply with the statutory roles as prescribed in **section 224 of the Municipal Act, 2001**.

### **Head of Council**

2.2 The Head of Council shall comply with the statutory roles as prescribed in **sections 225 and 241 of the Municipal Act, 2001**.

### **Order and Decorum by Head of Council**

2.3 The Head of Council shall preserve order and decorum at Council Meetings and decide matters of order subject to an appeal to the Council.

**Head of Council as Chief Executive Officer**

2.4 In addition to the duties prescribed in section 2.2 hereof, the Head of Council, when acting as chief executive officer of the municipality, shall comply with **section 226.1** of the **Municipal Act, 2001**.

**Designation of a Presiding Officer**

2.5 The Head of Council may consent to the designation of a Member of Council, to preside at meetings of Council, as authorized by **section 238(4)** of the **Municipal Act, 2001**.

**Duties of Clerk**

2.6 The Clerk shall comply with the provisions of **section 228(1)** of the **Municipal Act, 2001**.

**Appointing Person to Record Council Proceedings**

2.7 The Clerk may appoint a person in accordance with **section 228(4)** of the **Municipal Act, 2001**, who shall have charge of recording the proceedings of Council or Committees. Such appointee or secretary to Committee shall comply with **section 228(1)** of the **Municipal Act, 2001**, as practical as possible, in the same manner as the Clerk.

**City Administration**

2.8 Officers and employees of the City shall comply with **section 227** of the **Municipal Act, 2001**.

**City Manager**

2.9 In accordance with **section 229** of the **Municipal Act, 2001**, the City may appoint a City Manager who shall comply with said section.

**ARTICLE 3 - CONFLICT OF INTEREST****Municipal Conflict of Interest Act**

3.1 That subject to the **Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as amended**, if a Member has any pecuniary interest, direct or indirect, in any matter, he or she shall, as soon as practicable after the commencement of any meeting at which the matter is being considered, disclose his or her interest and shall not take part in the discussion or vote on any question with respect to such matter, and such disclosure of interest shall be duly noted in the minutes.

**Member Appointment**

3.2 No Member shall vote on any by-law appointing him or her to any office, nor for the provision of his or her remuneration for any service to the Corporation. This does not apply to allowance for attendance at meetings of the Council or its Committees or for traveling or other expenses of the Members.

**ARTICLE 4 - BOARDS, COMMITTEES AND COMMISSIONS**

4.1 Council may at its discretion, establish boards, committees and commissions to exercise any power under any Act with respect to the affairs or purposes of one or more municipalities, or task under the general affairs of one or more municipalities; and, shall determine what responsibilities and duties shall be assigned.

**Establishing Committees**

4.2 There shall be established annually at the first meeting of Council, or as soon thereafter as is convenient, as many standing or special committees of Council as Council deems necessary, and Council shall also make, at such meeting, any necessary appointments

to such boards, committees, commissions, Committee/Court of Revision, Committee of Adjustment, or any special purpose body as is required by statute or otherwise.

**Committee Meetings Open to Public**

4.3 All boards, committees and commissions established by Council shall have meetings open to the public, unless otherwise permitted by legislation or this by-law to be closed to the public.

**Boards, Committees and Commissions subject to Closed Meeting Investigator**

4.4 Boards, committees and commissions which by definition under the **Municipal Act, 2001**, and established by Council, may hold a portion of their meeting closed to the public, only in accordance with **section 239** of the **Municipal Act, 2001**.

**Appointments to Boards, Committees and Commissions**

4.5 Appointments to boards, committees and commissions shall be by resolution of Council.

**Voting on Appointments**

4.6 In all resolutions for the appointment of any person to any body that is subject to Article 4, the candidates shall receive a majority of the votes of all Members present and voting.

**Ex Officio Privilege**

4.7 The Mayor shall be a member, ex officio, of every committee of Council with the same rights as other Members. In absence of the Mayor and on the Mayor's direction, the Vice Mayor or another Member may exercise this ex officio privilege in order to achieve a quorum for a standing committee.

**Selection of Committee Chair**

4.8 Where the membership of a committee of Council is less than the total membership of Council, the Chair of the committee will be selected by the committee, unless noted otherwise.

**Calling of Committee Meetings and Quorum**

4.9 Every standing or special committee shall meet at the call of the Chair thereof, in order to report on or consider all matters referred to it, and a majority of the members of the committee shall constitute a quorum, unless otherwise stated by Council resolution.

**Terms of Reference**

4.10 Terms of Reference for boards, committees and commissions including policies, shall be established by motion of Council or by By-law where appropriate.

**Resolutions of Committees/Only Requires Mover**

4.11 To expedite the proceedings of a committee meeting, a resolution need only be duly moved by a member of the committee and not seconded in order for the resolution to be discussed and considered.

**Committee Reports to Council**

4.12 A committee that wishes to report to Council may request, through the Chair of the committee or the staff liaison, that the Clerk add the committee report to the agenda of an upcoming meeting. A copy of the report, including any recommendations being made by any committee to Council, shall be submitted to the Clerk no later than 4:00 p.m. on the Tuesday of

the week prior to the meeting. Committees are permitted fifteen (15) minutes for their report to Council.

**Record of Boards and Commissions and Members**

4.13 The Clerk shall keep a record of all boards, committees and commissions in place and the members elected to each such board, committee and commission.

**ARTICLE 5 - NOTICE OF MEETING FOR PUBLIC**

5.1 Notice of Council Meetings and General Committee Meetings, and all other Committees of Council Meetings for public information shall consist of posting of notification of meeting on the City of Welland's website, together with posting of notification of meeting on the public bulletin board located within the Civic Square, at least 24 hours prior to the date of the meeting. For the purpose of this article, a Committee of Council is defined as a committee where the majority of the committee members are also members of Council.

**Posting of Public Notice**

5.2 Notice for public information of Special Council Meetings will be posted as soon as practical.

**Failure to Notify Public**

5.3 Failing to notify the public does not constitute improper meeting notice, and such notification is a courtesy for accountability and transparency purposes.

**Notice of Items of Public Interest**

5.4 The above notwithstanding, the Corporation shall give notice for specific items of public interest to be considered at Council meetings, in accordance with its Public Notice By-law Number 2013 – 127.

**ARTICLE 6 - CALL TO ORDER**

**Quorum of Council**

6.1 As soon after the hour fixed for the meeting, as there shall be quorum present, the Mayor shall take the Chair and call the Members to order. A majority of the Members shall constitute a quorum.

**Absence of Mayor at Council**

6.2 If the Mayor does not attend within 15 minutes after the time appointed, the Vice Mayor shall preside until the arrival of the Mayor. Or, if both the Mayor and Vice Mayor do not attend within the above mentioned time, the Clerk shall call the meeting to order and the Council shall appoint one of its Members to preside as the Presiding Officer.

**ARTICLE 7 - AGENDAS & ADDITIONS TO AGENDA**

**Announcement of Agenda**

7.1 Immediately after the Mayor calls the meeting to order, he/she shall announce the business before Council as contained in the agenda, and the Clerk shall announce additions or deletions.

**Additions to Agenda**

7.2 Any additions to the agenda of the regular meeting of Council or a Special Meeting of Council made less than twenty-four (24) hours prior to the meeting of Council shall require unanimous consent of the Members present. Unanimous consent is deemed to have

been given if no objection is made by any Member after the items have been announced by the Clerk.

**Agenda Delivery**

7.3 Copies of such agenda containing minutes, communications, by-laws or reports shall be prepared and delivered to the Mayor, the Members and the City Manager, at least 24 hours before any regular meeting of Council.

**ARTICLE 8 - DELEGATIONS APPEARING BEFORE COUNCIL/GENERAL COMMITTEE**

8.1 Delegations shall only be permitted to appear at General Committee meetings, unless the delegation wishes to speak in regard to a matter on a Council agenda, whereby that delegation shall be permitted to appear at the Council Meeting subject to the provisions of this By-law.

8.2 Any delegations appearing before Council/General Committee shall be heard at the time they are to appear, as shown on the agenda, or with the consent of Council/General Committee to change the order of Delegations, and shall comply with the rules contained in Municipal Policy No. GOV-001-0002, Delegations to Council/General Committee, attached hereto as Schedule "A".

8.3 Questions of clarification related to matters presented by delegations are permitted in accordance with Schedule "A". Members are not permitted to debate matters presented by delegations with the presenters, who are guests before Council/General Committee. During Delegations, Members are required to comply with section XI of the Code of Conduct for Members of Council – City of Welland.

8.4 Where there is an avenue for public input (i.e. Public Meeting, Public Open House, Letters of Support/Objection, Hearing, etc.) and those avenues have already been exhausted, no Delegations will be permitted on a matter that is now before Council for deliberation and decision.

**ARTICLE 9 - PETITIONS AND COMMUNICATIONS**

9.1 Petitions and communications alike shall be delivered to the Clerk, addressed to Mayor and Council, and shall be added to the next regularly scheduled meeting of Council. Such Petitions and communications must be received no later than seven (7) days prior to the next regularly scheduled meeting of Council, otherwise it shall be placed on the following Council agenda. Petitions must be in the prescribed form as set out in Schedule "C" attached hereto and forming part of this by-law to be a valid Petition.

**ARTICLE 10 - GENERAL ORDER OF PROCEDURES AT COUNCIL MEETINGS**

**Order of Business**

10.1 The order of business for regularly scheduled meetings of Council will be as set out in Schedule "B" attached hereto.

**Order and Decorum**

10.2 The Chair shall preserve order and decorum at meetings and decide matters of order, subject to an appeal to the Council.

**Rules of Order**

10.3 In all cases not provided for by these rules, in the proceedings of Council or in Committee, the Rules of Order by Bourinot shall be followed, as well as the Rules of Order and Parliamentary Procedure Speed Wheel, copyrighted by William Doherty.



**Time, As Referred in By-Law**

10.4 Whenever any time is referred to in this by-law, the same shall be Eastern Standard Time or Daylight Savings Time, whichever shall be in effect in the municipality at any particular time.

**Council Meeting, Inaugural**

10.5 In the first year of the term of office of a new Council of The Corporation of the City of Welland, an inaugural Council meeting shall be held on the first Monday in December at 7:00 p.m.

**Council Meeting Schedule**

10.6 Subsequent to the inaugural meeting, the Council shall meet on the first and third Tuesday of each month in the year at 7:00 p.m.

**Council Meeting, Following General Committee**

10.7 In addition, Council may meet following the General Committee Meetings, whenever they occur, to ratify all or part of the recommendations related to the General Committee and to consider any by-laws related thereto.

**Council Meeting, Change Date of**

10.8 Nothing in this section shall prevent Council from changing the date of any regular Council meeting, if such change is made by resolution duly passed at a Council meeting preceding the meeting which is to be changed.

**Council Meeting, Absence of Quorum**

10.9 In absence of a quorum the meeting shall be adjourned, and any question under consideration keeps its place on the agenda for the next sitting.

**Council Meeting, Location**

10.10 All meetings, including the inaugural meeting of Council shall be held in the Council Chambers at Civic Square, unless due to an emergency or for any other reason, the Council decides otherwise.

**Committee Meeting, Location**

10.11 Committee meetings shall be held in locations suitable to the needs of the Committee.

**Council Meeting, Curfew, Adjournment and Extension**

10.12 The Council meeting shall adjourn at 11:00 p.m. and one extension of Curfew of one-half hour duration may be granted if Council agrees by 2/3 majority vote.

**Special Meeting of Council**

10.13 Whenever a special meeting of Council is required, it may be called by the Mayor, or upon receipt of a Petition in writing outlining the purpose for the meeting and signed by a majority of all the Members and presented to the Clerk. Only those matters listed on the Special Council agenda shall be discussed.

**Notice of Special Meeting**

10.14 Notice of a Special Council meeting shall be made in writing calling such meeting and shall include the agenda which outlines the intention to consider only the matters contained therein, subject to section 7.2. Notice shall be delivered to each Member not less than twenty-four (24) hours prior to the time set for such meeting.

**Special Meeting, Minutes**

10.15 The Clerk shall, within seven (7) business days after the date of such special meeting send to every Member who was absent, upon request, a copy of the minutes of such special meeting.

**ARTICLE 11 - COMMITTEE-OF-THE-WHOLE IN-CAMERA MEETINGS**

11.1 Pursuant to **section 239** of the **Municipal Act, 2001**, all meetings shall be open to the public except as provided herein. A meeting or part of a meeting may be closed to the public if the subject matter being considered is:

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- (h) a request under the **Municipal Freedom of Information and Protection of Privacy Act**;
- (i) for the purpose of educating or training members in accordance with article 11.2, below.

11.2 Pursuant to **section 239(3.1)** of the **Municipal Act, 2001**, Council may close meetings to the Public if the subject matter being considered is:

- (a) being 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 Council, local board, or committee.

**Mayor and Members to Self-Regulate Committee-of-the-Whole In-Camera Meetings**

11.3 The onus shall be upon the Mayor and Members to be self-regulated in ensuring that only matters legitimately permitted to be in Committee-of-the-Whole In-camera meetings are discussed.

**Committee-of-the-Whole In-Camera, Procedure**

11.4 To hold a meeting closed to the public:

- (a) Council shall openly pass a resolution to meet in "Committee-of-the-Whole In-camera" and such resolution shall state the general nature of the matter(s) to be considered;
- (b) The Clerk shall note the time the In-camera meeting began and ended.

While in an In-camera meeting, the rules of Council shall be observed as far as may be applicable, except that the taking of a vote shall not be permitted unless provided for by legislation.

**Committee-of-the-Whole, In-Camera, Chair**

11.5 A resolution of Council to go into Committee-of-the-Whole In-camera shall state that the Mayor or other Member shall be Chair of the Committee-of-the-Whole In-camera.

**Committee-of-the-Whole, In-Camera, Arise Without Report**

11.6 A motion in Committee-of-the-Whole In-camera to arise without report shall always be in order and shall take precedence over any other motion; and shall be decided without debate.

**Committee-of-the-Whole, In-Camera, Arise and Report**

11.7 Any motion in Committee-of-the-Whole In-camera to arise and report shall be decided without debate.

**Committee-of-the-Whole In-Camera Meeting, Minutes**

11.8 The Clerk shall record minutes of In-camera meetings, in accordance with **section 239(7)** of the **Municipal Act, 2001**, and will present the minutes to Council at an ensuing In-camera meeting for confirmation.

**Committee-of-the-Whole In-Camera Meeting, Approving Directions**

11.9 The Confirmatory By-law of the Corporation is deemed to authorize the directions of Council in a Committee-of-the-Whole In-camera meeting.

**Committee-of-the-Whole In-Camera Meeting, Confidentiality**

11.10 All deliberations and information and documentation received or taken while in a Committee-of-the-Whole In-camera meeting shall remain confidential. The final results of deliberations and such information and documentation may only be made public by the Clerk when such disclosure is authorized by Council, or authorized by legislation or legislative authority. All Members shall comply with Section 5 – Confidentiality of Policy HUM-001-0031 being the Code of Conduct for Members of Council.

**ARTICLE 12 - NOTICE OF MOTION**

12.1 A notice of motion is a written introduction of intent to Council to consider a motion at its next meeting. A notice of motion may be presented verbally at one regular Council meeting that the issue will be introduced by motion at the next or subsequent regular Council meeting for consideration by Council. Notice shall also be deemed duly given if same is provided in writing to the Clerk no later than noon of the Monday the week prior to a regular Council meeting and reviewed by the Clerk and reproduced in the next or subsequent regular Council Agenda. The right to move a notice of motion shall be deemed to be that of the Member who introduced the Notice with the following limitations:

- (a) At the regular meeting following the notice of motion being presented verbally, the Member who presented said notice will have the right to move the notice as a motion for debate. If the notice of motion is not moved at said meeting or the next regular meeting or unless withdrawn voluntarily by the mover before that time, the Clerk shall remove the Notice from any future agenda;
- (b) However, the member who introduced the Notice of Motion may, after a six (6) month period, re-introduce the same Notice of Motion.

12.2 All Notice of Motions referred or deferred at a Council Meeting shall be re-introduced at a future Council Meeting.

## **ARTICLE 13 - MOTIONS**

### **Motions, Moving of**

13.1 At a meeting of Council, every motion or resolution shall be in writing and when duly moved and seconded and stated by the Chair or Clerk shall be open for consideration and deemed to be in possession of the Council but may be withdrawn at any time before the vote with the unanimous consent of Council.

### **Motions, Contrary to Rules**

13.2 Whenever the Chair is of the opinion that a motion offered to the Council is contrary to law or the rules and privileges of the Council, he/she shall apprise the Members thereof before ruling the question out of order, and quote the law or rule of authority applicable to the case without argument or comment thereon.

### **Motions, Out of Order**

13.3 A motion at a regular meeting respecting any issue or matter which does not appear on the agenda of that meeting shall be ruled out of order unless added to the Agenda in accordance with Article 7.2 herein.

### **Motions, Precedence for Debate**

13.4 When a question is under debate, no motion shall be received unless it be a motion,

- (1) for adjournment;
- (2) for the previous question (call the question);
- (3) to lay on the table (postpone indefinitely);
- (4) to defer;
- (5) to refer; or
- (6) to amend;

which shall have precedence in the order in which they are named. Motions (1) to (5) shall be decided without debate except in (3), (4) and (5), where discussion as to appropriateness of time and place shall be allowed.

### **Motions, To Table**

13.5 When a motion to table prevails, the question so delayed may be called up at any subsequent meeting, by a motion, as unfinished business.

### **Motions, Point of Order**

13.6 The Member shall clearly state the Point of Order that he/she wishes to raise. When the Chair is called on to decide a Point of Order, he/she shall state the rule or authority applicable to the case and such decision is final unless successfully challenged without debate by a majority of Members present.

### **Motions, Point of Personal Privilege/Point of Privilege**

13.7 The Member shall clearly state the Point of Personal Privilege/Point of Privilege and the statement or issue which he/she wishes to correct, or explain circumstances he/she believes affect him/herself adversely; whereas, a Point of Privilege may be an issue that reflects improperly upon Council or the City as a whole or a matter that may affect the ability of the Council to carry out its business effectively and efficiently. Questions of privilege can be raised immediately after a Member feels his or her right or privileges have been infringed on, as long as no speaker is interrupted.

**Motions, Speaking on**

13.8 No Member shall speak more than twice on the same question, without leave of Council, except in explanation of a material part of his or her speech which may have been misconceived, but in no event shall he/she introduce a new matter. The above notwithstanding, debate by any one Member on any one item shall be limited to not more than 5 minutes, including staff responses to the question of the Member. The mover or in his/her place, the seconder of a resolution will be given the opportunity to open and to close debate on a motion. Should a Member other than the mover or seconder wish to speak first to a motion, the Chair shall ask the mover and seconder if they are willing to yield the floor. The City Manager may, for expediency and clarity, comment on matters before Council, as recognized by the Chair.

**Motions, Interruption of Putting the Question**

13.9 When the Chair is putting a question, no Member shall interrupt him/her, except to raise a question of order, nor shall any Member walk across or out of the room.

**Motions, Voting**

13.10 Every Member present, who has not declared a pecuniary interest, shall have one vote on any motion. If a member abstains from voting is deemed to be a vote in opposition.

13.11 The Mayor is only required to vote on matters to break a tie or when a recorded vote has been requested by a member of Council.

**Motions, Challenge the Chair**

13.11 If a Member disagrees with a decision/ruling of the Chair, he/she shall immediately following the decision of the Chair state that he/she wishes to Challenge the decision of the Chair. The Challenge is not debatable and only the giving of reasons for the Challenge is permitted. A motion to Challenge the Chair requires a seconder. The Chair shall state clearly the ruling at issue and state the reasons for his/her ruling and pose the question to the Members: "Shall the decision of the Chair be upheld?". Members voting in favour agree with the decision of the Chair. Members voting in opposition do not agree with the decision of the Chair. A tie vote in this situation sustains the decision of the Chair. The Chair may vote to create a tie, thus sustaining his or her decision. After the result of the vote is announced by the Chair, the Chair shall resume the business of Council, accordingly.

**ARTICLE 14 - AMENDMENTS TO MOTIONS****Order of Considering Amendments**

14.1 All amendments shall be put in the reverse order in which they are moved, except in filling in blanks, when the longest time and the largest sum shall be put first.

**Amendments, Deciding and Withdrawing**

14.2 Every amendment shall be made in writing and be decided upon or withdrawn before the main motion is put to a vote.

**Amendments, Amount Allowed**

14.3 Only one amendment shall be allowed to an amendment and any amendment more than one must be to the main motion.

**ARTICLE 15 - BY-LAWS****General**

15.1 Every proposed by-law shall receive first, second, and third readings prior to it being passed. All three readings may take place at the same meeting, unless otherwise required by statute.

15.2 No proposed by-law shall be passed except by the vote of the majority of Council or by such vote as may be required otherwise.

**Confirmatory By-law**

15.3 By-laws of the City must comply with various legislative requirements, and specific provisions of various legislation require Council to act by by-law. Although it is not always practical to prepare a by-law for each and every particular circumstance, a Confirmatory By-law (also known as the Ratification By-law) shall serve as authorization to capture all items and actions before Council that would not require a comprehensive and unique by-law. The Confirmatory By-law shall even temporarily hold a by-law being passed at a later date by comprehensive by-law to enable preliminary actions to occur, unless specifically stated to the contrary in the resolution. The Confirmatory By-law shall be the final order of business preceding adjournment and shall take place no later than immediately prior to Curfew.

**Effect of Resolution/By-law**

15.4 No resolution enacting a By-law passed by Council shall be deemed invalid or improperly passed by reason of the fact that such by-law, resolution, or accompanying communications or schedule or any part thereof was not read a first, second and third time (or read in full), provided all the members present determine to dispense with any of the readings or complete readings of the said by-law or resolution or any part thereof.

**ARTICLE 16 - RECORDED VOTES AND SECRET BALLOTS**

**General**

16.1 If a member present at a meeting at the time of a vote requests immediately before or after the taking of a vote that the vote be recorded, each Member present, except a Member who is disqualified from voting by an Act, shall announce his or her vote openly and the clerk shall record each vote.

**Recorded Votes**

16.2 Members shall always take their places when a recorded vote is called.

**Secret Ballot Not Allowed**

16.3 No vote shall be taken by ballot or by any other method of secret voting, except as otherwise provided, by the **Municipal Act, 2001**, as amended.

**ARTICLE 17 - RECONSIDERATION OF A DEFEATED RESOLUTION OR BY-LAW**

17.1 No resolution or by-law of Council previously voted upon and defeated shall during the subsequent twelve (12) month period be re-introduced, debated or re-voted upon;

- (i) where, by statute, an appeal or other remedy of the same is available, or
- (ii) after two subsequent regular meetings of Council have been held and unless a motion to **reconsider** same has been approved by a two-third majority vote of those Members present at either of such Council meetings.

17.2 A motion to reconsider must be brought forward by a Member who voted in opposition to the resolution or by-law.

17.3 The basis of this Article 17, is Bourinot's Rules of Order, section 37, which states that: procedures are sometimes provided not only for rescinding a motion that has been adopted, but also for reconsidering a motion that failed. A reconsideration rule usually requires advance notice in writing that a question will be reconsidered at the next meeting. The provision

is a useful one, in that conclusions occasionally may have reached too hastily or on the basis of inadequate information, and a later review may well be in the general interest. However, reconsideration should not be allowed except upon due notice and formal motion, and it is customary to insist on a two-thirds majority vote on a motion to reconsider.

**ARTICLE 18 – RESCINDING A RESOLUTION OR BY-LAW PASSED**

- 18.1 No resolution or by-law of Council previously voted upon and passed shall during the subsequent twelve (12) month period be re-introduced, debated or re-voted upon;
- (i) where, by statute, an appeal or other remedy of the same is available, or
  - (ii) after two subsequent regular meetings of Council have been held and unless a motion to **rescind** same has been approved by a two-third majority vote of those Members present at either of such Council meetings.

18.2 A motion to rescind must be brought forward by a Member who voted in favour of the resolution or by-law.

**ARTICLE 19 - CONDUCT AT MEETINGS**

**Address the Chair**

19.1 Every Member when speaking shall address himself/herself through the Chair.

**Chair Identifies Speaker**

19.2 The Chair shall recognize Members who wish to speak to a matter. Once recognized, the Member may speak to the matter in accordance with Article 13.8 herein.

**ARTICLE 20 - EFFECTIVE DATE/REPEAL OF BY-LAW**

20.1 This by-law shall come into full force and take effect on the 17<sup>th</sup> day of January, 2017.

20.2 That By-law 2013-126 shall be and the same is hereby repealed upon the effective date of this by-law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 17<sup>TH</sup> DAY OF JANUARY, 2017.

  
MAYOR

  
CLERK

**CITY OF WELLAND**

**POLICY**

**Policy Title:** Delegations to Council/General Committee

**Policy Number:** GOV-001-0002

**Date of Approval:** January 17, 2017

**Lead Role:** City Clerk

**Support Role:** Deputy Clerk

**Cross Reference:** By-law 2017-06

**Next Review Date:**

**Council File Number:** 05-28

**Policy Statement:**

The City of Welland welcomes delegations wishing to appear before City Council/General Committee, however due to time restrictions to attend to all business before Council/General Committee on any given date, the Clerk shall prioritize requests for delegations as follows:

|                  |  |
|------------------|--|
| First Priority:  | No more than five (5) delegations per meeting  |
| Second Priority: | Delegations required by legislation to be heard under specific sections of the <i>Planning Act</i> or <i>Municipal Act, 2001</i> , or other legislation under the municipality's jurisdiction. |
| Third Priority:  | Delegations related to agenda items that meeting.  |
| Fourth Priority: | Urgency (as determined by Clerk).  |
| Fifth Priority:  | Community interests to announce events (i.e. food drive).  |
| Sixth Priority:  | Relativity of topic to Council's authority.  |

When a delegation cannot be scheduled due to the priorities established by this policy, the following alternatives will be offered by the Clerk:

- Schedule to first available General Committee Meeting.
  - Schedule to first available Council Meeting.
  - Schedule to time where report is to be discussed if applicable and timely.
1. The delegation is required to submit a written request including name, address and phone number (to be reached during the day) as well as a brief explanation of the issue to be addressed and the desired action of Council/General Committee on the issue. The request must be received by the Clerk's Department no later than 4:00 p.m. on the Tuesday the week before the meeting. Failure to provide the required information on time will result in a loss of privilege to speak before Council/General Committee.
  2. It would also be advisable to forward, to the Clerk's Department by the Tuesday deadline, a copy of all written materials, PowerPoint presentations and media files to be discussed with Council/General Committee. The Clerk will ensure that all materials will be included in the Agenda packages for the Councillors and appropriate staff.
  3. If the delegation intends to read from a prepared text, a copy of this text must be filed with the City Clerk for City records.
  4. Should the delegation choose to present additional written materials at the meeting, twenty-two (22) copies should be made available for distribution.



5. Delegations will not be permitted to speak to Council/General Committee on any matter requiring a reconsideration vote of Council prior to Council voting to reconsider.
6. Delegations will be heard at the commencement of the meeting in the order they appear on the Agenda. Presentations will be limited to ten (10) minutes in length. At the conclusion of the presentation, members of Council/General Committee will be given an opportunity to question the delegation and seek clarification from either the delegation or staff. As a general rule five (5) minutes will be provided for questions of clarification for a total allotment of fifteen (15) minutes per delegation.
7. If Council/General Committee is satisfied that all reports and information pertaining to the subject have been presented, a decision will be made immediately following the presentation. However at a meeting where time is limited Council/General Committee will try to utilize the fifteen (15) minute rule for each delegation. If additional time is needed beyond the fifteen (15) minutes for debate by Council/General Committee, the matter will be referred to an appropriate time later in that meeting or another specific meeting.
8. The decision of Council/General Committee will be made in public usually while the delegation is present subject to Clause 7 above. The Clerk will confirm, in writing, the decision of Council/General Committee to the spokesperson designated in the original request for the delegation.
9. A delegation wishing to meet with Council "In Camera" will be permitted, provided the reasons for requesting such a meeting falls within the guidelines established by the Procedural By-law of Council.
10. Delegations failing to appear at their scheduled time will not be given further opportunity on the same subject unless a valid reason is provided prior to the original absence.
11. The ability for the public to speak to its government is a privilege granted by the respective government authority to its constituents in a manner the government chooses. The above notwithstanding, tradition has been (particularly at the local government level) to allow some form of deputation within a prescribed set of rules under a Procedural By-law authorized by the *Municipal Act, 2001*. Those rules should maintain the notice of privilege and the ability of a Chair to restrain anyone who abuses that privilege.

**Schedule "B" – Order of Business for Regularly Scheduled Meetings of Council**

1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA)
2. ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA)
3. OPEN COUNCIL MEETING
  1. NATIONAL ANTHEM
  2. OPENING REMARKS
  3. ADDITIONS/DELETIONS TO AGENDA
  4. ADOPTION OF MINUTES
  5. CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE (IN-CAMERA) ITEMS TO BE ADDED TO BLOCK
  6. DISCLOSURES OF INTEREST
  7. COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN)
4. ORAL REPORTS AND DELEGATIONS
  1. PRESENTATIONS
  2. LEGISLATED PUBLIC HEARINGS/MEETINGS
  3. DELEGATIONS
  4. AGENCIES, BOARDS, COMMISSIONS, AND COMMITTEE REPORTS
5. COMMITTEE-OF-THE-WHOLE (OPEN) TO DISCUSS ITEMS REMOVED FROM AGENDA BLOCK
6. BY-LAWS REMOVED FROM BLOCK
7. NOTICES OF MOTION
  1. COUNCILLOR MATTERS DISCUSSED WITH STAFF FOR REPORTING PURPOSES
  2. NOTICES OF MOTION (PREVIOUSLY SUBMITTED FOR DISCUSSION)
  3. CALL FOR NOTICES OF MOTION (FOR INTRODUCTION AT THE MEETING)
8. CORPORATION REPORTS
  1. MAYOR'S REPORT
  2. CITY MANAGER'S REPORT
9. CONFIRMATORY BY-LAW
10. ADJOURNMENT

**NOTE:** *The above order of proceedings for regularly scheduled Council meetings is a guideline and may be altered from time-to-time by the Mayor or Clerk to accommodate scheduling and unforeseen circumstances.*

