

BY-LAW NUMBER  
OF THE  
CORPORATION OF THE CITY OF KITCHENER  
(Being a by-law with respect to Procedure,  
known as the "Procedural By-law")

WHEREAS it is deemed expedient to repeal Chapter 25 of The City of Kitchener Municipal Code as adopted by By-law 88-100 and to replace it with this by-law regarding procedure;

NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as follows:

**Article 1  
INTERPRETATION**

**Article 1     Definitions**

**1.1     Acting Mayor - defined**

"Acting Mayor" [acting Head of Council] means the Member of Council who is appointed by Council to act from time to time in the place and stead of the Mayor when the Mayor is absent or refuses to act or the Office of Mayor is vacant, in accordance with the applicable appointment by-law.

**1.2     Audiovisual – defined**

"Audiovisual Conference System" means the system chosen by the Clerk for the purposes of joining meeting participants via electronic means.

**1.3     Chief Administrative Officer and/or CAO - defined**

"Chief Administrative Officer" or "CAO" means the Chief Administrative Officer of the City, or their designate.

**1.4.     City - defined**

"City" means the City of Kitchener.

**1.5     Clerk - defined**

"Clerk" means the City Clerk of the City of Kitchener or appointed designate.

#### **1.6 Committee - defined**

"Committee" means any advisory or other Committee, subcommittee or similar entity composed of members of one or more councils.

#### **1.7 Committee Chair - defined**

"Committee Chair" means Chair of any Committee of the Council.

#### **1.8 Council - defined**

"Council" means the Council of the City of Kitchener.

#### **1.9 Delegation/Delegate - defined**

"Delegation/Delegate" means a person or persons attending in-person or electronically to address Council or its Committees and including presenters and consultants retained by the City.

#### **1.10 Electronic Council Correspondence and Information Package (ECCIP) - defined**

Electronic Council Correspondence and Information Package (ECCIP) means an electronic package containing correspondence received by Staff for Council's information and consideration.

#### **1.11 Electronic Meeting – defined**

"Electronic meeting" means a meeting called and held in full electronic means, including but not limited to audio teleconference, video conference.

#### **1.12 Electronic participation/participants – defined**

"Electronic participation/participants" means attendance not in person, but given an opportunity to participate as if they were attending in person.

#### **1.13 Hybrid – defined**

"Hybrid" means a type of meeting that includes in-person meeting operation and electronic or virtual attendance.

#### **1.14 Host Computer – defined**

"Host Computer" means the staff person and computer that has the scheduled start, stop of the meeting, and can share presentation and other materials as needed.

#### **1.15 Livestream – defined**

"Livestream" means the meeting is broadcasted live through a webstream/or alternate streaming service as it occurs live.

**1.16 Local board - defined**

“local board” means a municipal service board, transportation commission, public library board, board of health, police service board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.

**1.17 Mayor - defined**

“Mayor” means the Mayor as the Head of Council, or in the absence of the Mayor, or Acting Mayor, in the absence of both, another Member of Council appointed in accordance with Section 226 of the Municipal Act, 2001.

**1.18 Meeting - defined**

“meeting” means any regular, special, or other meeting of council, of a local board or of a Committee of either of them, where: A quorum of members is present, and Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or Committee.

**1.19 Member - defined**

“member” means a Councillor of the Council.

**1.20 Motion (main) - defined**

“motion (main)” means any motion except one to:

- a) extend the time of the meeting;
- b) refer;
- c) amend;
- d) lay on the table;
- e) postpone to a certain day (or indefinitely);
- f) adjourn.

**1.21 Motion to receive and file - defined**

“motion to receive and file” means a motion to acknowledge the particular item, report, or recommendation under consideration, and to have the item, report, or recommendation placed in the records of the Clerk for future reference.

**1.22 Motion (subsidiary) - defined**

“motion (subsidiary)” means any motion which affects the disposition of a main motion, by bringing it to an immediate vote, or by delaying or by deferring a decision thereon.

**1.23 Municipal Act - defined**

“Municipal Act, 2001, S.O. 2001, c. 25” is a consolidated statute governing the extent of powers and duties, internal organization and structure of municipalities in Ontario, which is commonly referred to as “the Act” and will be referenced as such throughout the By-law.

**1.24 Non-Jurisdiction - defined**

“Non-Jurisdiction” means a matter that lies with another level of government and is outside the scope of Council’s powers as set out in Section 11 of the Act, this includes matters that fall under Regional, Provincial or Federal responsibility or that lie with another municipality.

**1.25 Notice of motion - defined**

“notice of motion” means a written notice given by a member, advising Council of a specific motion which will be brought to a subsequent meeting.

**1.26 Personal privilege - defined**

“personal privilege” means the raising of a question which concerns a member or the Council collectively, when a member believes that his/her rights or integrity, or the rights or integrity of Council as a whole, have been challenged.

**1.27 Point of information - defined**

“point of information” is a request directed to the Presiding Officer, or through the Presiding Officer to another member or to the staff, for information relevant to the business at hand, but not related to a point of procedure.

**1.28 Point of order - defined**

“point of order” means a statement made by a member during a meeting, drawing to the attention of the Presiding Officer, a breach of the rules of procedure.

**1.29 Point of procedure - defined**

“point of procedure” means a question directed to the Presiding Officer to obtain information on a matter of parliamentary law or the rules of Council relating to the business at hand, in order to assist a member to make an appropriate motion, raise a point of order, understand the parliamentary situation or the effect of a motion.

**1.30 Presentation - defined**

“presentation” means information being provided verbally and may include the use of presentation medium such as PowerPoint, video, slide show etc. In addition, a presentation would include presenting awards or gifts to or from the City of Kitchener.

**1.31 Presiding Officer - defined**

“Presiding Officer” means any person who presides at a meeting.

**1.32 Public hearing - defined**

“public hearing” means a meeting of Council or that portion of a meeting of Council, or any Committee of Council, which has been given authority by by-law to conduct a hearing in matters pursuant to any legislation which requires Council to hear interested parties or to afford them an opportunity to be heard before taking action, passing a by-law or making a decision.

**1.33 Quorum - defined**

“quorum” is a majority of the whole Council or a majority of the voting members of a Committee.

**1.34 Recorded vote - defined**

“recorded vote” means the recording of the name and vote of every member voting on any matter or question.

**1.35 Resolution - defined**

“resolution” means a formal statement of opinion adopted by Council or a Committee in accordance with these rules.

**1.36 Rules of procedure - defined**

“rules of procedure” means the rules and regulations contained in this By-law.

**1.37 Special or joint meeting - defined**

“special or joint meeting” means a meeting other than a regularly scheduled meeting called pursuant to the provisions of this By-law.

**1.38 Special Purpose Committee - defined**

“Special Purpose Committee” means any Committee appointed by Council except any Standing Committee.

**1.39 Standing Committee - defined**

“Standing Committee” means such Committees of Council designed by resolution of Council.

## **Article 2 Interpretation**

**2.1 The City Clerk or designate - Interpretation**

The Clerk or designate shall be responsible to interpret and administer the rules of procedure under this Procedure By-law.

**2.2 Purpose and Principles**

Council and Committees shall observe the Rules of Procedure contained in this by-law in all proceedings of the Council and Committee. This by-law shall be used to guide the order and dispatch of business of the Council and Committee and wherever possible, with the necessary modifications, for all advisory Committees and ad hoc Committees unless otherwise provided.

## **2.3 Member's rights**

Each member has the right to:

- a) One vote, subject to the declaration of pecuniary interest;
- b) Information to help make decisions, unless otherwise prevented by-law;
- c) An efficient meeting; and
- d) Be treated with courtesy and respect.

## **Article 3**

### **Rules of Procedure – Adopted - Suspended**

#### **3.1 Set out in By-law - unprovided case - procedure**

The proceedings of the Council and its Committees, the conduct of the members, and the calling of meetings will be governed by the rules and regulations contained in this By-law and in unprovided cases, by the procedure contained in Robert's Rules of Order.

A summary of procedural motions, including purpose and required outcomes are set out in Schedule 'A' as attached.

#### **3.2 Rules - suspended - unanimous consent**

Notwithstanding Section 3.1, the rules and regulations contained in this By-law may be suspended by the unanimous consent of all members present.

#### **3.3 Meeting - open to public**

Except as provided in the Act, or any other applicable statute, all meetings shall be open to the public and no person will be excluded except for improper conduct.

## **Article 4**

### **Duties of the Mayor and Council**

#### **4.1 Mayor - Preside at meetings**

It is the duty of the Mayor to preside at all meetings of Council so that its business can be carried out efficiently and effectively and:

- a) to open the meeting of Council by taking the chair and calling the members to order;
- b) to receive and submit, in the proper manner, all motions presented by the members;
- c) to put to a vote all motions, and to announce the result;
- d) decline to put motions to a vote which infringe upon the rules of procedure;
- e) to inform the members of proper procedure to be followed and to enforce the rules of procedure;
- f) to enforce on all occasions, the observance of order and decorum among the members;

- g) to call by name any member persisting in a breach of the rules of procedure and order the member to vacate the Council Chamber;
- h) to permit questions to be asked through the Mayor of any officer of the City for information to assist any debate when the Mayor deems it proper;
- i) to provide information to members on any matter relating to the business of the City;
- j) to authenticate by signature all by-laws and minutes of Council;
- k) to rule on any points of order raised by members;
- l) to maintain order. Where it is not possible to maintain order, the Mayor may, without any motion being put, recess or adjourn the meeting to a time to be named by the Mayor; and
- m) to adjourn the meeting when the business is concluded.

#### **4.2 Ex-officio member Committees and Quasi-Judicial Committees**

That Mayor is an ex-officio member of all Committees of the Council including Quasi-Judicial Committees, and to be entitled to vote at meetings.

#### **4.3 Mayor - Council representation**

The Mayor has the duty to represent and provide leadership and support to the Council.

#### **4.4 Special Powers and Duties of the Head of Council**

The Mayor shall exercise the duties of the head of Council pursuant to the provisions of the Section 284.3 of Part V 1.1 of the Act, "Special Powers and Duties of the Head of Council" save and except for any duties that have been delegated to staff through approved Mayoral decisions.

#### **4.5 Acting Mayor**

"Acting Mayor" [acting Head of Council] means the Member of Council who is appointed by Council to act from time to time in the place and stead of the Mayor when the Mayor is absent or refuses to act or the Office of Mayor is vacant, in accordance with the applicable appointment by-law. The Acting Mayor has all the privileges of the Mayor, including the ability to bind the organization for execution of documents, save and except those granted by the Province of Ontario through Section 284.3 of Part V1.1 of the Act, "Special Powers and Duties of the Head of Council".

#### **4.6 Council Member – Duties**

The Role of Council is to:

- a) represent the public and to consider the well-being and interests of the municipality;
- b) develop and evaluate the policies and programs of the municipality;
- c) determine which services the municipality provides;
- d) ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- e) ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- f) maintain the financial integrity of the municipality;

- g) carry out the duties of council under the Act or any other Act;
- h) uphold the by-laws and policies of the Corporation of the City of Kitchener.
- i) deliberate on the business submitted to Committee and Council;
- j) vote on all Motions before Council; and
- k) respect the Rules of Procedure at all Meetings.

## **Article 5**

### **Role of the Clerk and Chief Administrative Officer**

#### **5.1 Role of the Clerk**

- a) carry out the responsibilities of their roles as described in Section 228 of the Act;
- b) provide procedural advice to the Presiding Officer and to Members on agenda business and on preparing Motions;
- c) ensure notice of Meetings is provided as set out in this by-law; make minor deletions, additions or other administrative changes to any bylaw, Motion, and/or minutes to ensure the correct and complete implementation of the actions of Council;
- d) authenticate by signature, when necessary, all resolutions, by-laws and minutes of Meetings and certify copies of such documents when required; and,
- e) perform such other duties as prescribed by law, or by direction of Council.

#### **5.2 Clerk - Meeting Attendance**

The Clerk and/or their designate, will be present at all Meetings of Committee and Council.

#### **5.3 Role of the Chief Administrative Officer (CAO)**

- a) exercise general control and management of the affairs of the municipality for the purpose of ensuring efficient and effective operation of the municipality; and
- b) perform such other duties as are assigned by the municipality.

## **Article 6**

### **New Term – Annual Meeting Schedule- Meetings - General**

#### **6.1 Inaugural meeting**

The inaugural meeting of the new Council following an election shall be held on the first Monday after the new term of Council has begun.

#### **6.2 Inaugural meeting – Order of Procedure**

At the inaugural meeting, the order of procedure will be as follows:

- a) Opening ceremony;
- b) Declarations of elected office and oaths of allegiance in accordance with the provisions of the Act;
- c) Appointments to Standing and Special Purpose Committees, boards, commissions and other organizations;
- d) Matters incidental to the above or of urgent nature.



### **6.3 Seating Council Table**

Prior to the inaugural meeting of the new Council, the Members shall meet and draw lots to determine the order of their seating at the Council Table for the term of office of such Council.

When a vacancy occurs in the Council, the person elected or appointed to fill such vacancy shall take the seat of the Member replaced.

### **6.4 Meeting Location**

All Council meetings will be held in the Council Chamber unless the notice of the meeting stipulates the meeting shall be held at another location or via another means such as electronically.

### **6.5 Annual Meeting Schedule**

Public notice of regular meetings of Council and Committees of Council shall be provided by posting the annual schedule of regular meetings adopted by Council on the City's web site and, by providing a printed version to any person who so requests. Notice of special meetings that do not form part of the schedule of meetings shall be posted on the web site and provided to the media. The agenda for each special meeting shall be posted on the website no later than 24-hours prior to the meeting and will be provided to the media.

## **Article 7**

### **Conduct of Members of Council and Attendance at Meetings**

#### **7.1 Council and Committee Members – Code of Conduct**

Council Members shall govern themselves according to Council's Code of Conduct.

#### **7.2 Conduct of members in Council and Committee meetings**

- a) No member will:
  - i. speak disrespectfully of the Reigning Sovereign, or of any member of the Royal family, or of the Governor-General or the Lieutenant-Governor of any province;
  - ii. use offensive or unparliamentary language against the Council or staff;
  - iii. speak on any subject other than the subject in debate;
  - iv. disobey the rules of procedure or a decision of the Mayor on question of order or practice or upon the interpretation of the rules of procedure. In the case where a member persists in any such disobedience after having been called to order by the Mayor or Presiding Officer, the Mayor or Presiding Officer may immediately put the question, no amendment, adjournment or debate being allowed, "that such member be ordered to leave his/her seat for the duration of the meeting of the Council." However, if the member apologizes, the Council may vote to allow the member to retake his/her seat.

- b) No charge shall be made which involves the character, conduct or language of a member unless such member is present to reply or unless due notice has been given to such member to be present to offer a defense.
- c) When a member has been called to order by the Mayor or Presiding Officer for a breach of parliamentary decorum, it is the member's duty to bow at once to the decision of the Mayor or Presiding Officer and to make an apology by explaining that there was no intent to infringe any rule of debate, or by immediately withdrawing the offensive or unparliamentary language which may have been used. If a member persists in unparliamentary conduct, the Mayor shall submit such conduct to the decision of the Council whereby the member should explain and withdraw and Council shall decide what action to take.

### **7.3 Conduct of Public and Delegations**

- a) Members of the public and delegations in attendance at a meeting, shall not:
  - i. Address Council or Committee without permission;
  - ii. Interrupt any delegation or action of the members of Council, or any other person addressing Council;
  - iii. Make any derogatory statements about Councillors, staff or others;
  - iv. Express hate speech or make any defamatory comments;
  - v. Engage in any activity or behaviour or make any audible noise that could affect the Council or Committee deliberations, including clapping, shouting, jeering or any other form of disorderly conduct; or
  - vi. Bring any signs or placards into, or hand out any brochures, pamphlets, buttons or literature in the Council Chambers.
- b) No person, except Members of Council and appointed officials of the City of Kitchener, shall be permitted to come within or behind the horseshoe during a meeting of the Council or Committee without the permission of Council or Committee.
- c) No person shall make detrimental comments, or speak ill of, or malign the integrity of staff, the public, Mayor, Members of Council or Committee.
- d) Any person that disrupts a meeting shall be asked by the Mayor or Presiding Officer to stop the disruptive behaviour, and if the person persists they shall be asked to leave the meeting.
- e) If a person refuses to leave the meeting upon being requested to do so by the Mayor or Presiding Officer, the Mayor or Presiding Officer shall recess the meeting and shall direct the Clerk to seek the appropriate assistance from City of Kitchener Security division or the Waterloo Regional Police Service. If following a recess decorum cannot be achieved, the meeting may be adjourned and scheduled for the earliest opportunity.
- f) The Mayor or Presiding Officer may expel or exclude from any meeting any person who disturbs the meeting in accordance with this section.

### **7.4 Member Absent from Council**

The office of a Member of Council becomes vacant if the member has been absent from meetings of the Council for three (3) successive months without being authorized to do so by a resolution of Council unless otherwise permitted by S. 259 (1.1) of the Act.

## **Article 8**

### **General Rules – Electronic Meetings**

#### **8.1 Electronic (Hybrid Meetings)**

Notwithstanding any other provision in this By-law, members of Council, Committees of Council, Quasi-Judicial Committees, or Advisory Committees:

- a) can participate electronically in a meeting that is opened to the public including voting;
- b) those who are participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and,
- c) can participate electronically in a meeting that is closed to the public including voting.
- d) Where possible those participating electronically shall be required to have their camera on for the purpose of determining quorum.

#### **8.2 Members of Council - default meeting participation**

For Council and Committees of Council, where the meeting location has been identified as hybrid, in-person participation will be the default for Members of Council to allow for physical convening and dialogue. Limited exceptions to in-person participation will be permitted including:

- a) travelling for official city business,
- b) illness or infirmity,
- c) parental and caregiving requirement,
- d) health and safety,
- e) personal vacations less than three months in duration

#### **8.3 Members of Council - Electronic Participation - Notice**

Members of Council will act in good faith and compliance with the exceptions provided in Section 8.2 and if requiring electronic participation will notify the Clerk or designate, no less than 12 hours prior to the meeting, to advise they are participating electronically.

#### **8.4 Hybrid Meeting - Presiding Officer**

For meetings identified with a Hybrid location, the Presiding Officer of the meeting, unless for emergency or extenuating circumstance, will participate in-person, supported by the Clerk or designate. If the Chair/Presiding Officer is unable to attend in person, the designate/vice-chair will preside over the meeting.

#### **8.5 Hybrid Meeting - Staff Participation**

For meetings identified with a Hybrid location, in-person participation will be the default for City Staff to enable staff to address and respond to dialogue of Council. Requests by staff to participate in a meeting electronically will be addressed to the Chief Administrative Officer or designate for approval. If approved by the Chief Administrative Officer or designate, staff requests to participate electronically in meetings will be provided to

Legislated Services no less than 12 hours prior the meeting in order to facilitate participation.

#### **8.6 Electronic meeting participation - Amend Procedural By-law**

The City may hold a special meeting to amend this By-law for the purposes of Article 8 - General Rules - Electronic meetings and notwithstanding any other provision in this By-law, a member of Council participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting.

### **Article 9 Council**

#### **9.1 Commencement - Council - Committee**

As soon as a quorum is present after the hour set for the meeting, the Presiding Officer, shall call the members present to order and commence the meeting.

#### **9.2 Termination - Council - Committee proceedings**

Council or Committee shall remain in session until all business on the agenda is disposed of up to 11:00 p.m. unless by unanimous consent of the members present a one-hour extension is approved with proceedings of Council ending by no later than midnight. Failure to obtain unanimous consent will result in the meeting being adjourned and the balance of the agenda will be deferred until the next available Council or Committee meeting.

#### **9.3 No quorum at start of meeting**

If there is no quorum present within one half hour after the time appointed for the meeting, the Council or Standing Committee shall stand adjourned until the date and time of the next regular or special meeting, and the Clerk shall record the names of the members present upon such adjournment.

#### **9.4 Unfinished business - quorum lost**

If, during the course of a meeting, a quorum is lost then the meeting will stand adjourned, until the date and time of the next regular or special meeting, and the Clerk shall record the names of the members present upon such adjournment.

#### **9.5 Order of Business – Council Meeting**

The Clerk will prepare an agenda under the following headings for the use of the members at the regular meetings of Council:

- a) Commencement;
- b) Adoption of Minutes of previous meeting(s);
- c) Disclosure of Pecuniary Interest and The General Nature Thereof;
- d) Communications;
- e) Presentations;
- f) Delegations;
- g) Report of Committees;

- h) Unfinished Business;
- i) New Business;
  - i. Mayoral Business and Updates
  - ii. Staff Reports
- j) Questions and Answers;
- k) By-laws - Three Readings;
- l) Adjournment.

The business of the Council will be considered in the order set forth on the agenda, provided, however, that the Mayor, with approval of the Council, may vary the order of business to better deal with matters before Council.

#### **9.6 Commencement**

The Presiding Officer will call the meeting to order and complete the respective meeting acknowledgements to commence the agenda.

#### **9.7 Adoption of the Minutes**

The minutes of any previous meetings to Council or Special Council meeting that were circulated prior to the start of the meeting will be considered for adoption. Once they have been adopted, the Mayor and Clerk shall sign them.

#### **9.8 Communications**

The Communication listed on the Council agenda will include informational matters, related to Council approved policies, including but not limited to Flag and Illumination Policy approvals.

#### **9.9 Presentations**

Presentations will be included on the agenda in accordance with Article 16 presentations of this By-law.

#### **9.10 Delegations**

Delegations will be included on the agenda in accordance with Article 15 Delegations of this By-law.

#### **9.11 Reports of Standing or Special Purpose Committees**

- a) The Mayor shall, during every regular meeting of the Council, call for the reports of any Standing or Special Purpose Committees following which the Committee Chair wishing to make a report will present same to the Council.
- b) The report of every Standing or Special Purpose Committee shall be in writing.
- c) It shall be permissible to amend a Committee report on motion passed by the Council.
- d) That each Standing Committee report included with the Council agenda shall be treated as if it were a list of consent items, whereby one motion will be used to bring all items on the report forward for consideration, but it shall not be read and/or summarized.

- e) Notwithstanding subsection 9.11 (d) above, any member of Council may request that a particular clause be dealt with separately.

### **9.12 Unfinished Business**

Any item which has been discussed by the Council at a prior meeting, but not disposed of, may be raised again at any subsequent regular meeting of the Council when “Unfinished Business” is called for under the order of procedure.

### **9.13 New Business**

The following items of business may be introduced when “New Business” is called for under the order of procedure:

- a) Mayoral Business and Updates;
- b) notices of motion;
- c) motions of which prior notice has been given;
- d) motions for reconsideration;
- e) motions of congratulation or of sympathy or other motions of a routine nature;
- f) where any other matter is raised under “New Business” it shall not be discussed or voted on without a motion to do so, passed by two thirds of the whole of Council.

### **9.14 Mayoral Business and Updates**

- a) The Mayor can provide updates or resolutions from other organizations on the agenda for Council’s consideration.
- b) If the Mayor is of the opinion that considering a particular matter could potentially advance a prescribed provincial priority, as per Section 284.10 (1) Strong Mayors, Building Homes Act, 2022, S.O. 2022, c. 18 - Bill 3, the Mayor may raise the matter at this time for Council's consideration in accordance with the Provincial Legislation.

### **9.15 Questions**

When “questions” are called for under the order of procedure any member of the Council may submit any question pertaining to the business of the Corporation to any other member of the Council, the Chief Administrative Officer, or any Department Head.

The person to whom a question is directed may answer orally at the same meeting, or may require two weeks notice before giving a reply, in which case the member may require that the question be submitted in written form.

### **9.16 Answers**

When “answers” are called for under the order of procedure any member of the Council to whom a question was directed at a previous meeting and who required two weeks’ notice to reply may submit the answer.

### **9.17 Staff Reports**

The following matters/items of business may proceed directly to the Council agenda without being initially considered at a Standing Committee of Council:

- i. reports of the Chief Administrative Officer or their designate; and,

- ii. reports identified by staff in conjunction with the Clerk or designate to have timing constraints related to their approval.

### **9.18 By-laws - Three Readings**

Every by-law which has been recommended for enactment shall be placed before the Council for final passage at the same meeting of the Council. Provided, however, that where it is required by statute that a by-law receive the approval of any government agency before being passed, or that notice of Council's intention to pass such by-law be given, or when Council so directs, such by-law may be withheld and be presented for final passage at a subsequent meeting of the Council when such legal requirements have been complied with.

All by-laws scheduled for final passage at any meeting of Council may be in a single motion. Such motion shall be in the following form:

"That the by-laws listed on the agenda for third reading, namely:

- a) a by-law to . . .
- b) etc. (listing all the by-laws)

be taken as read a third time, be finally passed and numbered serially by the Clerk."

### **9.19 Adjournment**

Upon completion of the matters included on the agenda, the meeting shall be considered adjourned.

## **Article 10 Closed Session Meetings**

### **10.1 Meeting - closed to the public**

A meeting or part of a meeting may be closed to the public if the subject matter being considered is so authorized to be considered in a closed session pursuant to the provisions of the Act, Section 239 (2), or any other applicable statute, and such meeting shall be called a "closed" meeting.

### **10.2 Meeting - closed by resolution - stating nature**

Before holding a meeting or part of a meeting that is to be closed to the public, the Council or Committee of Council shall state by resolution, carried by at least a majority of those members of Council present:

- a) that a closed meeting will be held; and
- b) the general nature of the matter to be considered at the closed meeting.

### **10.3 Meeting - closed - recorded in minutes - by Clerk**

If all or part of a meeting is closed to the public, the Clerk will record the following in the minutes of the meeting:

- a) the time and the date;

- b) the authority prescribed by the Act, or any other applicable statute to authorize the closed meeting;
- c) who presided over the meeting;
- d) those in attendance;
- e) the matter considered.
- f) all direction, votes, and other proceedings without note or comment.

#### **10.4 Meeting - closed - minutes retained in confidence**

Minutes of the closed meeting will be retained in confidence by the Clerk and such minutes will not be open to inspection by any member of the public.

#### **10.5 Meeting - open - final decision – approval**

No decision of any matter discussed in a closed meeting shall be final until the matter has been considered and approved at an open meeting of Council.

#### **10.6 Public statement of matters discussed – prohibited**

No City staff member shall make any public statement concerning any matter, which has been discussed at a closed meeting without the approval of the CAO, Department Head and/or the City Solicitor and until such matter has been considered at an open meeting of Council.

#### **10.7 Closed meeting investigations**

Any person may file a complaint as to whether the municipality has complied with the open meeting provisions in the Act by filing the complaint with the city's Closed Meeting Investigator, the Ontario Ombudsman, appointed under section 239.1 of the Act.

### **Article 11 Special Council Meeting**

#### **11.1 Special Council meeting - Location**

A special meeting of Council will be held in the Council Chambers or at such other place or means as noted on the agenda.

#### **11.2 Special Council meeting convened**

A Special Council meeting will be convened at:

- a) at the call of the Mayor; or,
- b) upon receipt by the Clerk of the petition of the majority of the members.

#### **11.3 Petition to Call a Special Council meeting**

Upon receipt of the petition set out in Section 11.2 (b), the Clerk will summon a special meeting for the purpose(s) and at the time stated in the petition. If the petition makes no reference to the place where the meeting is to be held, the location shall be in the Council Chambers.

Once received by the Clerk, no member may remove his/her name from a petition filed under this Section.



#### **11.4 Notice and purpose of all special meetings**

Notice and purpose of all special meetings of the Council will be given to all members not less than twenty-four hours in advance of the time fixed for the meeting in the most expedient manner available as so determined by the Clerk.

#### **11.5 Consideration of a matter without consent**

The Council will not consider or decide any matter not set forth in the notice calling the special meeting, without the consent, recorded in the minutes, of the whole Council.

#### **11.6 Consideration of a matter without notice – dispensing with notice**

Notwithstanding this Section, and in regard to matters deemed to be of an urgent and extraordinary nature where it is not possible to give the required notice to all members of Council, and for reasons of timing it is not possible to delay consideration to a subsequent meeting, staff may bring forward additional items to be added to an already published agenda with the consent of two-thirds of the Whole of Council members with both the reason for adding the matters and the required consent recorded in the minutes.

#### **11.7 Special Meeting - Emergency**

Notwithstanding this Section, on urgent and extraordinary occasions, with the consent of two-thirds of the whole of Council, recorded in the minutes, an emergency special meeting of the Council may be called by the Mayor without notice to consider and deal with such urgent and extraordinary matters.

### **Article 12**

#### **Standing Committees – Special Purpose Committees**

##### **12.1 Procedure**

Except as otherwise provided in this By-law, a Committee will conform to the rules governing protocol and procedure in the Council.

##### **12.2 Establishment - appointment**

The names of members required to serve on the Special Committees, Boards, Commissions or other bodies to which Council is required or empowered to appoint persons, will be determined by Council in an inaugural, regular or special meeting.

A Special Purpose Committee may be established by the Council at any time as is deemed necessary for the consideration of matters within the jurisdiction of the Council. Where the resolution does not name the Committee members, the Mayor shall name them.

##### **12.3 Mayor - ex-officio**

The Mayor is an ex-officio member of every Committee.

Where a Committee is established by reference to a particular number of members without specifically providing for the membership of the Mayor, such number is automatically increased by one, being the Mayor, as provided under this Section.

The Mayor may vote and otherwise participate without any restriction in the business of the Committee on the same basis as any other Committee member

#### **12.4 Terms of reference**

Subject to the provision of any general or special Act, the Council, in establishing any Committee, will set forth terms of reference and such other provisions as the Council deems proper.

Council may consider any matter without referring it to a Standing Committee or may refer it to one or more Committees and may withdraw a matter from a Committee whether or not the Committee has entered into consideration.

#### **12.5 Standing Committees**

The following shall constitute the Standing Committees of Council:

- a) Community and Infrastructure Services;
- b) Finance and Corporate Services;
- i) Audit Committee
- c) Planning and Strategic Initiatives.

#### **12.6 Standing Committees - Order of Business**

The Clerk will prepare an agenda under the following headings for the use of the members at the regular meetings of Council:

- a) Commencement;
- b) Disclosure of Pecuniary Interest and The General Nature Thereof;
- c) Consent Items;
- d) Delegations
- e) Discussion Items;
- f) Status Updates (Audit Committee)
- g) Public Planning Matters (Planning and Strategic Initiatives)
- h) Information Items.
- i) Adjournment.

#### **12.7 Committee Quorum**

A quorum is as defined under Section 1.33. The Mayor is a member to be included in determining the quorum.

#### **12.8 Committee Chair**

Annually, Council will appoint Committee Chairs and Vice-Chairs for each Standing Committee.

Council will annually appoint the time of Standing Committee meetings. Each Committee will have the authority to alter the time of its meetings and to hold special meetings so that where possible it will not conflict with meetings of Regional or City Council. Any permanent change of Committee dates shall be subject to the approval of Council.

### **12.9 Audit Committee - Presiding Officer**

The Mayor or Acting Mayor will preside at the Audit Committee.

### **12.10 Committee meeting location**

Generally, Committees will meet in City Hall unless noted on the public meeting notice.

### **12.11 Committee Chair**

The Committee Chair will preside; in the absence of the Committee Chair, the Vice-Chair will preside, or in the absence of both, such other member of the Committee as may be appointed by the concurring vote of a majority of the Committee members present.

### **12.12 Absence of Presiding Officer**

In the absence of the Committee Chair and Vice-Chair for a period of fifteen minutes after the time appointed for the holding of a meeting of the Committee, one of the other members of the Committee, if there be a quorum present, may be appointed and discharge the duties of the Presiding Officer during the meeting or until the arrival of the Committee Chair or the Vice-Chair.

### **12.13 Committee Chair - Voting**

The Committee Chair vote on any question before the Committee, and, in the event of an equality of votes the Committee Chair will not have an extra casting vote and the question being voted upon is deemed lost.

### **12.14 Committee meeting – not permitted**

No Committee shall be permitted to meet while Council is in session.

### **12.15 Committee matters - consideration**

Committees will consider and report on such matters only as have been referred to them by the Council or such matters as come within their continuing terms of reference and jurisdiction.

### **12.16 Motion - Committee - Seconded**

A motion made in Committee need not be seconded.

## **Article 13**

### **Special Joint Meetings – Council and Committees**

#### **13.1 Joint Meeting – All Councils – Region of Waterloo**

A joint meeting can be convened with all of the Council of all of the municipalities within the Region of Waterloo. Notice of the meeting, including date, time and location, shall be included on a Council or Special Council agenda. Notice of the meeting, shall be provided by the organizing municipality and the meeting agenda shall be included on the City's website. The Chair will be determined prior to the start of the meeting. A Clerk, designate or delegate will record the minutes for the meeting and the minutes will be made available on the City's website.

### **13.2 Joint Meeting – Two Committees**

A joint meeting of two Committees may be directed by Council or may be called by their Chairs, in consultation with the Clerk or designate, whenever such Chairs consider it necessary for their respective Committees to consider and report jointly on matters within their joint areas of concern.

### **13.3 Quorum - Joint Meeting – Two Committees**

A quorum for the joint meeting of two Committees will be a majority of the combined number of members of both of the Committees excluding the Mayor. The Mayor, if present, will be counted as one member in making such quorum and will have one vote.

### **13.4 Joint Meeting - Chair**

The members in attendance at a joint meeting called pursuant to this Section may appoint the Chair of one of the Committees to Chair the joint meeting, but if both such Chairs are absent, another member of one of the two Committees may be so appointed.

### **13.5 Joint Meeting - Chair - vote on a question**

When the Chair of the joint meeting calls for the vote on a question, each member of the two Committees will be entitled to vote in unison, and the question will be decided by a majority of votes, so that only one decision is made. The Chair of the joint meeting may vote on all questions submitted and in the case of an equal division, the question will be deemed to have been decided in the negative.

### **13.6 Joint Meeting - Rules of Procedure**

The provisions of this By-law with respect to the conduct of business in Committees will apply, with necessary changes, to the conduct of business at a special or joint meeting calling pursuant to this Section.

## **Article 14 Agendas and Minutes**

### **14.1 Regular Council Meeting Agenda - Published**

The agenda shall be published and provided to each member no later than 12:00 noon the Friday preceding the commencement of the regular Council Meeting in question.

### **14.2 Regular Council Meeting Agenda - Meeting Rescheduled - Published**

Where the Regular Council meeting date is rescheduled for another day of the week, other than a Monday, the agenda shall be published and provided to each member no later than 12:00 noon two business days preceding the commencement of the regular Council Meeting in question.

### **14.3 Special Council Meeting Agenda - Published**

That Special Council agendas and reports be published on the City's website and given to all members not less than twenty-four hours in advance of the time fixed for the meeting.

#### **14.4 Standing Committee Agenda - Published**

That Standing Committee agendas and reports be published on the City's website ten (10) days prior to the scheduled meeting, with the agenda to be available to members no later than ten (10) days prior to the meeting.

#### **14.5 Revised Committee Agenda**

The Clerk or designate shall prepare and publish a Revised Standing Committee Agenda no later than 2:00 p.m. on the Friday preceding the commencement of the meeting, advising of any additional registered delegates, including presentation materials if submitted or written submissions received relating to matters on the agenda.

#### **14.6 Audit Committee Agenda**

That Audit Committee agendas and reports be published on the City's website not less than two calendars days prior to the scheduled meeting.

#### **14.7 Reports - documents - available to public – exception**

All minutes, reports and associated documents that are provided to Council/Committees forming part of an agenda shall be made available to the public on the City's website and/or through the Legislated Services Division. This does not include any confidential minutes, reports or associated documents provided for a closed meeting being held in accordance with Section 10.4 and the Act.

#### **14.8 Council Minutes**

- a) Minutes of the Council will record:
  - i. the date of the meeting;
  - ii. the record of the attendance of the members;
  - iii. the reading, if requested, correction and adoption of the minutes of prior meeting(s);
  - iv. all the other proceedings of the meeting without note or comment.
- b) If the minutes have been delivered to the members, then the minutes will not be read, and a resolution that the minutes be adopted, as if read, will be in order.
- c) After the minutes have been adopted, they will be signed by the Mayor and by the Clerk.
- d) The Clerk is authorized to make:
  - i. Minor technical or clerical corrections to the minutes after they have been adopted by Council, so long as the intent and integrity of the information and/or resolution is not changed.
  - ii. Minor deletions, additions, or other changes in form to any by-law before the by-law is signed, sealed, numbered, and enacted as a by-law, for the purpose of ensuring correct and complete implementation of the actions that form the subject matter of the by-law.

#### **14.9 Minutes - Closed Session**

The Clerk and/or his or her designate shall attend all closed meetings and record the proceedings, including procedural motions and direction given to staff, without note or comment.

### **Article 15 Delegations**

#### **15.1 Delegations - Participation - Meetings**

Subject to section 15.10 delegations are permitted to appear before regular and special meetings of Council or before the Standing or Special Purpose Committee responsible for the subject matter to be addressed. Emphasis will be to encourage attendance at Committee meetings.

#### **15.2 Delegations - Participation - Meetings**

Notwithstanding Section 15.1 Delegations shall not be permitted during special council meetings during Strategic Sessions or Special Finance and Corporate Services Committee meetings (Capital, Operating and Final Budget meetings); public participation will only be accepted by way of written submission. Notwithstanding this provision, in emergency situations, Council by affirmative vote of a majority of its members present, may agree to hear a delegation.

#### **15.3 Delegations - Matters listed on an agenda**

Delegations shall address Council only with respect to matters already listed on the agenda. Notwithstanding this provision, in emergency situations, Council by affirmative vote of a majority of its members present at a regular Council meeting, may agree to hear a delegation on any matter provided the presentation material is in writing and available whenever possible for distribution to Council prior to the commencement of the said meeting.

#### **15.4 Delegation - Motion - Permitted**

That where Council has passed a motion to permit a delegation to speak to a matter that is not on a meeting agenda, members of Council shall not be permitted to ask questions of that delegation.

#### **15.5 Delegation request - future meeting**

That where a delegation request has been received for an item is not on a current meeting agenda but is intended to come forward at a later date, staff shall refer the person to the appropriate meeting; thereby ensuring that the appropriate staff are in attendance and supporting materials have been circulated for Council's consideration.

#### **15.6 Delegation request - Matter not on an agenda**

That where a person wishes to register as a delegation and the matter is not on a meeting agenda and it is questionable as to whether it falls within the City's jurisdiction, this matter

shall be referred to the next available agenda setting meeting for consideration by the Committee Chairs.

**15.7 Delegation request - Scheduling**

That when it is deemed inappropriate through the agenda setting process that a delegation address Council, the Clerk shall so notify the delegation and Council with a supporting explanation.

**15.8 Delegation - Non-Jurisdiction**

That when a delegation through the agenda setting process is permitted to address Council for any matters outside of the scope of the City's jurisdiction, the delegation will be provided their permitted time allocation, but members of Council shall not be permitted to ask questions of that delegation.

**15.9 Delegation request - Agenda - Supporting documents**

All materials for consideration by the Council, shall be legible, in writing and filed whenever possible in the office of the Clerk no later than two days prior to the finalization of the respective Council agenda and may be included as part of the support material attached to the agenda.

**15.10 Delegation - Speaking on the same matter**

Members of the public who have addressed Council or a Committee on a particular issue will not be permitted to address Council / Committee on that same matter unless they are providing new information. This new information must be outlined in a delegation form submitted to the Clerk or designate by 8:30 a.m. on the day of a Committee meeting or 3:00 p.m. on the day of a Council meeting. Should a member of Council feel that the submitted materials do not represent new information, than this may be raised through a point of order prior to hearing from the delegation; if the point of order is sustained, Council shall move forward without hearing from the delegation.

**15.11 Delegation - Time Allotment**

Delegations shall be permitted to address Council for a maximum of five minutes. Where a delegation consists of five or more persons, it may be permissible for two spokespersons to address Council, each of whom shall be granted a maximum of five minutes.

**15.12 Delegation - Repeat - Previous Delegations**

Delegations will be requested not to repeat what has been stated by previous delegations addressing Council.

**15.13 Delegation - In-person participation**

In person delegations will be permitted to register with the Clerk or Designate up to the start of the meeting

#### **15.14 Delegation - Electronic participation**

To ensure electronic delegations have all the necessary meeting details for participation, they will be requested to register 2 hours prior to the start of the meeting. Electronic delegates will be sent an invitation to join the electronic meeting by clicking the Join Meeting Now link or dialing the telephone number listed in the invitation.

#### **15.15 Delegation - Electronic participation - Deadline**

Delegation registration deadlines for both in-person and electronic participation will be noted on the Council or Committee agenda.

#### **15.16 Delegation - Video Delegation**

All Delegations will participate in-person or electronically, video delegations submissions shall not be permitted in lieu of participation. If a delegation wishes to provide a video submission they will be circulated to members of Council electronically but will not be displayed during a public meeting.

#### **15.17 Delegation - Curtail – derogatory comments**

The Presiding Officer may curtail a delegation if any derogatory comments are made about staff or other individuals, for disorderly conduct, or any other breach of conduct and, if the Presiding Officer rules that the delegation is concluded, the person or persons appearing shall withdraw.

#### **15.18 Members – Delegation - Debate**

That members shall be permitted to ask questions of delegates but shall not make statements nor enter into debate with such persons.

#### **15.19 Delegation – Comments or Statements - Erroneous**

That whenever a delegation, offer comments or statements that are deemed to be erroneous and unsubstantiated, any member of Council, or City official, may be recognized by the Presiding Officer on a Point of Order and when recognized may provide the necessary corrections or clarifications to the comments or statement said by the delegation.

#### **15.20 Delegations - Participation - Meetings**

Subject to sections 15.2 and 15.10 delegations are permitted to appear before regular and special meetings of Council or before the Standing or Special Purpose Committee responsible for the subject matter to be addressed. Emphasis will be to encourage attendance at Committee meetings.

#### **15.21 Delegations - Matters listed on an agenda**

Delegations shall address Council only with respect to matters already listed on the agenda. Notwithstanding this provision, in emergency situations, Council by affirmative vote of a majority of its members present at a regular Council meeting, may agree to hear a delegation on any matter provided the presentation material is in writing and available whenever possible for distribution to Council prior to the commencement of the said meeting.



### **15.22 Delegation - Motion - Permitted**

That where Council has passed a motion to permit a delegation to speak to a matter that is not on a meeting agenda, members of Council shall not be permitted to ask questions of that delegation.

### **15.23 Delegation request - future meeting**

That where a delegation request has been received for an item is not on a current meeting agenda but is intended to come forward at a later date, staff shall refer the person to the appropriate meeting; thereby ensuring that the appropriate staff are in attendance and supporting materials have been circulated for Council's consideration.

### **15.24 Delegation request - Matter not on an agenda**

That where a person wishes to register as a delegation and the matter is not on a meeting agenda and it is questionable as to whether it falls within the City's jurisdiction, this matter shall be referred to the next available agenda setting meeting for consideration by the Mayor and Committee Chairs.

### **15.25 Delegation request - Scheduling**

That when it is deemed inappropriate through the agenda setting process that a delegation address Council, the Clerk shall so notify the delegation and Council with a supporting explanation.

### **15.26 Delegation request - Agenda - Supporting documents**

All materials for consideration by the Council, shall be legible, in writing and filed whenever possible in the office of the Clerk no later than two days prior to the finalization of the respective Council agenda and may be included as part of the support material attached to the agenda.

## **Article 16 Presentations**

### **16.1 Presentation - Restricted - Type**

Presentations shall be restricted to the following:

- a) Recognition/Awards; and,
- b) When not accompanied by a staff report:
  - a. Presentations by City staff or consultants retained by the City providing information related to municipal operations
  - b. Presentations of information related to local organizations and city-affiliated Committees/boards and agencies.
  - c. Presentations from senior levels of government or other municipal governments

### **16.2 Presentation - Time - Limited**

Presentations, save and except those related to the City's annual budget deliberation process and strategy sessions, shall be permitted to address Council for a maximum of

ten minutes and the Presiding Officer shall keep account of the time expended and at the completion of nine minutes shall advise through a visual prompt that their time will expire in approximately one minute. The Presiding Officer will advise the speaker when they have gone over time and will be directed to provide brief closing comments. Council may limit or extend the time allowed for a presentation by a majority vote.

### **16.3 Presentation Materials – Printed or Electronic – Prior to the meeting**

Presentations deadlines for staff and delegations shall be as follows:

- a) For Council or Committee meetings where the agenda was published less than 2 business days prior to the meeting, electronic versions of the presentation shall be submitted to Legislated Services staff by 9:00 a.m. on the morning of the meeting and must be in compliance with the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56 (MFIPPA).
- b) For meetings where the agenda was published three business days or greater an electronic version of the presentation is to be submitted to Legislated Services staff by noon on the business day prior to the meeting.
- c) Where presentations are not in compliance MFIPPA, the City Clerk, or designate shall request presentations to be amended, or will be permitted to edit or delete the slides to ensure compliance prior to use during a meeting.
- d) If amendments are not made to the presentation prior to the meeting, the City Clerk, or designate shall circulate the presentation to Council for their consideration but it will not be displayed during a meeting.
- e) Any presentations/submissions received after the deadline will be circulated electronically to members of Council for their consideration but will not be displayed during a meeting.

### **16.4 Presentation Materials – published with minutes**

All presentation materials used during meetings will be published with the minutes following the meeting along with the balance of the agenda materials.

## **Article 17 Communications and Petitions**

### **17.1 Communications General**

Every communication, including petitions and correspondence, submitted in hopes to be shared with Council shall not contain any obscene or defamatory language and shall be signed by at least one person and filed with the Clerk or designate. Any communication received that may have inappropriate language will be redacted prior to being circulated to Members of Council.

### **17.2 Communications Received - Matters on an agenda**

Where an item of correspondence is received and it pertains to an item on an agenda for a Standing Committee meeting, the correspondence shall be added to the revised agenda if received by the Clerk by the revised agenda publishing Deadline.

### **17.3 Communications Received - Matters on an agenda - after final agenda publishing deadline**

Where an item of correspondence has been received, it pertains to an item on an agenda, but the agenda has been published, the correspondence shall be published with the minutes with any additional correspondence that has been received on the City's website.

### **17.4 Petitions**

Every person that submits a petition for Council's consideration shall have regard for the following:

- a) The author (s) who file a petition must leave their name and contact information with the Clerk;
- b) Petitions received will form part of the public record. Petition organizers must inform signatories that their name, address and opinion may be shared publicly if requested.
- c) The names of individuals who have signed the petition will be published, but additional personal information will be redacted for the purpose of online publishing in accordance with MFIPPA;
- d) Every petition received shall be circulated to the Department Head responsible for the general service area the petition pertains to, or their designate. The Department Head, their designate, or the CAO may contact the person who filed the petition to discuss the matter contained within the petition;
- e) For petitions received for matters on the agenda, they will be circulated to Council in accordance with the Section 17.2 and 17.3 of this By-law;
- f) For petitions received for matters not included on an agenda, they will be circulated to Council through the ECCIP.

### **17.5 Electronic Council Communications Information Package (ECCIP)**

The Clerk shall prepare an Electronic Council Correspondence and Information Package (ECCIP), which will be published on Friday, save and except for Fridays that are holidays, where the package will be published on the day prior, containing correspondence received by Staff for Council's information, including but not limited to: Resolutions; Provincial / Federal Government and their Agency Correspondence; and, Petitions.

### **17.6 Electronic Council Communications Information Package (ECCIP) – not formal agenda**

The Electronic Council Communications Information Package (ECCIP) is not a formal meeting agenda for the purpose of providing notice of a meeting or agenda item for Council or Committee consideration. Any member wishing to consider a matter included on the information package would be required to make a request to the Clerk of designate to be included on a future Council meeting agenda.

### **17.7 ECCIP Correspondence - deadlines**

The deadline for information to be included in the ECCIP is 11:00 a.m. on Friday, save and except for Fridays that are holidays, where the package will be published on the day prior.

### **17.8 Communications Received – Public Information**

Every communication received shall be presented to Council or Committee, through a meeting agenda, or through the ECCIP. Communication shall be published online including the author(s) name; any contact information provided will be redacted for the purposed of online publishing for privacy purposes in accordance with MFIPPA. The Authors contact information may be disclosed if the correspondence was submitted in support of a matter subject to Legislation that would prohibit privacy protection.

## **Article 18 Rules of Conduct and Debate**

### **18.1 Dispensing with a Matters on an Agenda**

Generally members of Council will dispense with matters in a manner as follows:

1. A member puts forward a motion;
2. Another member seconds the motion (Committees do not require seconders);
3. The Presiding Officer states the question on the motion;
4. Members debate the motion (remarks may be ruled out of order if they do not relate to the topic);
5. The Presiding Officer puts the question (that is, puts it to a vote);
6. A recorded vote may be requested by any member;
7. The Presiding Officer announces the result of the vote.

### **18.2 Address the Presiding Officer**

Any member desiring to speak shall rise, and upon being recognized by the Presiding Officer will address the Chair.

### **18.3 Order of Speaking**

When two or more members rise to speak, the Presiding Officer will recognize the member who, in the opinion of the Presiding Officer, rose first and next recognize in order the other members.

### **18.4 Mayor – inability to debate**

The Mayor or Presiding Officer may state a position on any matter before the Council or address the Council on any matter pertinent to the business of the municipality without leaving the Chair, but it shall not be permissible for the Mayor or Presiding Officer to debate the question without first leaving the Chair after appointing a member to preside during such remarks.

### **18.5 Member's speaking time**

That the following apply to Council or Committee meetings:

- a) That each member of Council be allocated a total of five minutes for their initial set of questions, which shall include the amount of time it takes to obtain a response.
- b) That each member of Council will be given an opportunity to utilize their initial five-minute question period, prior to any member being afforded a second opportunity to ask questions.
- c) That each Councillor will be allocated a total of five minutes for their subsequent round of questions, which shall include the time it may take to obtain a response.
- d) That question of simple clarification, or where the answer to a question is conveyed in the materials circulated with the agenda, shall be deemed out of order by the Presiding Officer.
- e) Any questions of delegations, presenters or staff by a member of Council should seek additional facts or further specific information relating to the subject matter on the table only. Member's questions cannot expand the scope of the delegation's / presenter's remarks or include the member's own statements / comments. Questions such as 'are you aware', 'do you agree' or 'wouldn't you say' are not permitted as they do not seek additional relevant information. Members will not engage in debate regarding any matter presented during questioning.

#### **18.6 Personal privilege**

Where a member considers that his/her rights or integrity or the rights or integrity of the Council as a whole has been impugned, the member may, as a matter of personal privilege, rise on a point of order at any time, with the consent of the Mayor or Presiding Officer, for the purpose of drawing the attention of the Council to the matter.

#### **18.7 Point of order**

- a) A member who desires to address Council upon a matter which concerns the rights or privileges of the Council collectively, or as an individual member, will be permitted to raise such matter of privilege. A breach of privilege is a willful disregard by a member or any other person of the dignity and lawful authority of Council. A matter of privilege will take precedence over other matters. When a member raises a point of privilege the Mayor or Presiding Officer may use the words "Councillor . . . state your point of privilege". While the Mayor or Presiding Officer is ruling on the point of privilege, no one will be considered to be in possession of the floor.
- b) A member who desires to call attention to a violation of the rules of procedure will ask leave of the Mayor or Presiding Officer to raise a point of order. When leave is granted, the Mayor or Presiding Officer may use the words "Councillor . . . state your point of order." The member will state the point of order with a concise explanation and will follow the decision of the Mayor. The speaker in possession of the floor when the point of order or privilege was raised will have the right to the floor when debate resumes.
- c) A member called to order by the Mayor or Presiding Officer will immediately vacate the floor until the point of order is dealt with, and will not speak again without the permission of the Mayor or Presiding Officer unless to appeal the ruling of the Mayor or Presiding Officer.

### **18.8 Appeal - Mayor or Presiding Officer's Ruling**

The decision of the Mayor or Presiding Officer is final, subject to an immediate appeal, requested and seconded, to the whole Council.

If the decision is appealed, the Mayor or Presiding Officer will give concise reasons for a ruling, and the Council, if so appealed to, will call a vote, without debate on the following question: "Will the ruling of the Mayor or Presiding Officer be sustained?", and its decision is final. The Mayor or Presiding Officer may vote on this question and in the event of an equality of votes, the ruling of the Mayor or Presiding Officer shall be deemed to be sustained.

### **18.9 Members speaking**

When a member is speaking no other member will pass between the member and the Mayor or interrupt the member except to raise a point of order.

### **18.10 Questions Read**

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

### **18.11 All questions asked - motion for consideration**

Once everyone has been afforded an opportunity to ask questions, no further discussion or debate should occur on the matter until a formal motion has been brought forward for consideration.

### **18.12 Speak once - reply**

No member will speak more than once to the same question except to explain a material part of the member's speech which may have been misconstrued, but shall not introduce any new matter. However, a member who has presented a substantive motion rather than an amendment, may reply.

### **18.13 Question put - no further debate**

After any question is put by the Mayor, no member will speak to the question, nor will any other motion be made until after the result is declared, and the decision of the Mayor as to whether the question has been put, is conclusive.

### **18.14 Questions**

- a) A member may ask a question of the Mayor for the purpose of obtaining information relating only to the matter under discussion and such questions must be briefly stated.
- b) A question put to a member may not contain imputations, epithets, ironical expressions or hypothetical cases; nor may a question refer to debates or answers to questions in the same meeting. A question may not be put which publishes the names of persons, or contains statements not strictly necessary to render the question intelligible, or contains charges which the member who asks the question is not prepared to substantiate. The solution of an abstract legal case may not be

sought by a question. A question cannot be made a pretext for a debate, and when a question has been fully answered it cannot be renewed.

### **18.15 Unprovided cases**

In all unprovided cases in the proceedings of Council , the matter is decided by the Mayor, subject to an appeal to the Council.

## **Article 19 Motions**

### **19.1 Motions - Received and Read**

Every motion when seconded will be received and read by the Mayor, except in the cases provided for by the rules of procedure. However, where motions have been distributed or printed in the agenda, recitals need not be read.

### **19.2 Motion - Withdrawal**

After a motion is read or stated by the Mayor, it is deemed to be in possession of Council, and it may only be withdrawn before decision or amendment with the consensus of the Council. If there is an objection raised by a member, the Presiding Officer shall call a vote to decide on the withdrawal.

### **19.3 Motion - No debate until read**

No member will speak to any motion until it is first read by the Mayor, and the mover is entitled to speak first if the member so elects. If debated, the question or motion may be read again before being put.

### **19.4 Motion ruled out of order**

Whenever the Mayor is of the opinion that a motion is contrary to the rules of procedure, the Mayor will rule the motion out of order.

### **19.5 Not within jurisdiction of Council**

A motion which requires the exercise of a power or powers by Council which are not within its jurisdiction, will be out of order.

### **19.6 Motions**

- a) The following matters and motions may be introduced orally without notice and without leave, except as otherwise provided by the rules of procedure:
  - i. a point of order or personal privilege;
  - ii. presentation of petitions;
  - iii. to move the question be put;
  - iv. to adjourn.
- b) The following motions may be introduced without notice and without leave, except as otherwise provided by the rules of procedure:
  - i. to refer;
  - ii. to table, or to postpone, or defer to a day certain;

- iii. to amend;
  - iv. to suspend the rules of procedure;
  - v. any other procedural motion.
- c) All motions put forward at a Council meeting, except questions of privilege or purely procedural motions shall be made in writing and must be seconded before they are voted on.
- d) All motions may be supported or opposed by the mover and seconder.
- e) When a member's motion has been called by the Mayor at two successive meetings and not proceeded with, it will be deemed to have been withdrawn and dropped from the agenda unless Council otherwise decides.
- f) The mover and seconder may withdraw a motion at any time prior to the commencement of debate thereon.
- g) A member may withdraw his/her notice of motion at any time prior to the subject matter being considered.

### **19.7 Order of consideration**

- a) When a question is under consideration, no motion will be received except a procedural motion or a motion to amend.
- b) Procedural motions will be considered immediately upon receipt and will have precedence and are subject to debate as follows:
  - c) to extend the time of the meeting (not debatable);
  - d) to move the question be put (not debatable);
  - e) to refer (debatable);
  - f) to lay on the table (debatable);
  - g) to defer indefinitely or to a day certain (debatable - as to time only);
  - h) to adjourn (not debatable);
  - i) any other procedural motion (debatable).

### **19.8 Amendment**

- a) A motion to amend:
  - i. will be in writing; and,
  - ii. must be similar in meaning to the question which it is proposed to amend but with sufficient variance to constitute a new question;
  - iii. not more than one amendment to the main motion, nor more than one amendment to an amendment shall be permitted at one time, except, if the amendment has been withdrawn or voted on and lost, another amendment may be substituted to the main motion but not to an amendment. In the case of an amendment to an amendment, the amendment to the main motion cannot be withdrawn until the amendment to the amendment has been withdrawn or voted on and lost;
  - iv. will be put to the Council in the reverse order to the order in which they are made.
- b) An amendment embodying a matter which has been referred to a Committee, or the consideration of which has been deferred indefinitely or to a later date, is not permissible.



- c) Friendly amendments are not permitted in instances where the proposed amendment represents a substantive change or would add a further clause(s) to the main motion.

### **19.9 Motion to Call the Question**

A motion that to “Call the Question”:

- a) is not debatable;
- b) cannot be amended;
- c) cannot be moved when there is an amendment under consideration;
- d) will preclude all amendments of the main question;
- e) when resolved in the affirmative, the question is to be put forward without debate or amendment;
- f) cannot be moved by a member who has already debated the question unless another member has subsequently debated the question; and
- g) may be moved in the following words, “that the question be now put.”

### **19.10 Motion to refer**

A motion for reference to a Committee, board, official or commission until it is decided, will preclude all amendments of the main question and any motion to postpone or defer, or to lay on the table. A motion to refer is debatable.

### **19.11 Motion to lay on the table**

- a) A motion simply “to lay a matter on the table” is debatable but cannot be amended.
- b) A motion “to lay on the table” with some condition, opinion, or qualification added to the motion to table will be deemed to be a motion to postpone or defer made under Section 19.12.
- c) The matter tabled will not be considered again by the Council until a motion has been made to take up the tabled matter at the same or a subsequent meeting of the Council.
- d) A motion to take up a tabled matter is not subject to debate or amendment.
- e) A motion that has been tabled at a previous meeting of the Council cannot be lifted off the table unless notice is given in accordance with Section 19.13.
- f) A motion that has been tabled and not taken from the table for six months is deemed to be withdrawn.

### **19.12 Motion to postpone or defer**

A matter postponed or deferred to a definite date will have precedence over all other business on such date.

A motion to postpone or defer indefinitely will be treated as if it was a motion to lay on the table.

### **19.13 Notice of motion**

Notice of motion by a member will:

- a) be in writing;

- b) be tabled at a Council meeting proceeding the date on which the matter will be introduced; or received by the Clerk by no later than 4:30 p.m. on the Wednesday of the week preceding the meeting at which the motion is to be introduced.
- c) be printed in full under New Business in the agenda for that meeting;
- d) be printed in full under New Business in the agenda for that meeting;
- e) when a member's notice of motion has been called by the Mayor in two successive meetings and not proceeded with, it will be dropped from the agenda unless Council otherwise decides;
- f) if at the third meeting, such notice of motion is called by the Mayor and not proceeded with, it will be deemed to have been withdrawn.

#### **19.14 Dispensing with notice**

Notwithstanding Section 19.13 Notice of Motion, any motion may be introduced without notice at a Council or Committee meeting, if Council, without debate, dispenses with notice on the affirmative vote of at least two-third of the whole of Council.

#### **19.15 Reconsideration**

A resolution, by-law or any question or matter (except one of indefinite postponement) which has been adopted previously by Council may be reconsidered by Council subject to the following:

- a) a notice of motion given in writing by a member, has been introduced according to the procedure for notice of motion;
- b) debate on a motion to reconsider must be confined to reasons for or against;
- c) such motion must be supported by two-thirds of the members present voting in favour of such reconsideration before the matter can be debated;
- d) if a motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, unless the motion calls for a future date, and debate on the question to be reconsidered may proceed as though it previously had never been voted on.
- e) a motion to reconsider an amendment may not be submitted until after the original motion to which the amendment was proposed has been considered and disposed of;
- f) a vote to reconsider will not be considered more than once during the term of the Council.

These rules do not apply when a motion pertains to a decision of a previous Council..

### **Article 20**

#### **Voting in Council, Committees and Closed Session**

##### **20.1 Qualification**

The Mayor and each member have one vote only.

##### **20.2 Secret ballot prohibited**

No vote will be taken in Council by ballot or by any other method of secret voting, and every vote so taken is of no effect.

### **20.3 All members vote**

Every member present at a Council meeting when a question is put shall vote thereon, unless prohibited by statute, in which case it will be recorded in accordance with the statute. Any member who refuses to vote will be recorded as voting in the negative. In the event of a tied vote, the question being voted on is deemed to be lost.

### **20.4 Unrecorded vote**

The manner of determining the decision of the Council on motion is at the discretion of the Mayor and may be by voice, show of hands, standing or otherwise.

### **20.5 Severability of question**

When two or more separate propositions are embodied in one motion or in an amendment, the Mayor may put each proposition separately, restricting debate to each proposition in its turn.

### **20.6 Recorded vote**

- a) Any member, before the question is decided, may require that the vote be recorded.
- b) When a recorded vote is requested by a member on any matter or question:
  - a. Where there is an electronic voting method available, the Clerk will open and close the electronic vote and ensure the results of the vote are displayed on the screen. The Clerk shall announce the decision and shall record the vote and the name of each voter in the minutes.
  - b. Where there is no electronic voting method available, the Clerk will ask those members voting in favour of the question to stand until their vote has been recorded. The Clerk will then ask those members voting in opposition to the question to stand until their vote has been recorded. The Clerk shall announce the decision and shall record the vote and the name of each voter in the minutes.
- c) Upon the request of a member, immediately after a vote is taken, the Clerk will record the negative vote of such member on any question.
- d) When a vote is taken, and no dissent is declared, such vote is deemed to be unanimously in favour of the question approved.

### **20.7 Disputing vote**

If a member disagrees with the announcement of the Mayor that a question is carried or lost, the member may, but only immediately after the declaration by the Mayor, object to the Mayor's declaration and require a recorded vote to be taken.

### **20.8 Putting question - members seated**

When the Mayor calls for the vote on a question, each member will occupy their/their seat until the result of the vote has been declared by the Mayor, and during such time no member will walk across the room or speak to any other member or make any noise or disturbance. A member not in his/her seat is not entitled to vote.

## **20.9 Disclosure of pecuniary interest**

It shall be the responsibility of each individual member to determine if a conflict exists and disclose any pecuniary interest and the nature thereof in accordance with the provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50, as amended, which will be recorded by the Clerk, in any regular or Special Council or Committee meeting.

## **20.10 Meeting - open - during the taking of a vote**

Subject to Section 239 (2) of the Act, or any other applicable statute, a meeting shall not be closed to the public during the taking of a vote.

## **20.11 Meeting - closed - during the taking of a vote**

Despite Section 20.2, a meeting may be closed to the public during a vote if:

- a) Section 10.1 permits or requires a meeting to be closed to the public; and
- b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City, local board or Committee of either, or persons retained by or under contract with the City or local board.

# **Article 21 General Provisions**

## **21.1 Work of the Corporation**

No member as an individual shall direct or interfere with the performance of any work for the Corporation; and the officer in charge shall be subject only to the Council and the Committee to which the Council may give authority on its behalf.

## **21.2 Execution of documents**

Whenever the execution of any document is required to give effect to any resolution or by-law of the Corporation, the Mayor and/or Acting Mayor and the Clerk have general authority for and in the name of the Corporation to execute and to affix the seal of the Corporation to such documents.

## **21.3 Recording equipment**

Council and Standing Committee Meetings shall be recorded, wherever possible, through live audio and video streaming on the City's website.

The use of audio and video recording equipment in the meeting room by the public or the media will be permitted, provided it is not disruptive to the meeting. Permission for recording and the location of recording equipment will be granted at the discretion of the Chair.

## **21.4 Official Record - Meeting - Minutes**

Notwithstanding that Council and Standing Committee Meetings are video recorded, the official record of the meeting are the minutes.

## **Article 22**

### **Repeal Enactment**

#### **22.1 By-law Previous**

- a) By-laws 2021-015, 2022-049 and the contents of Chapter 25 of The City of Kitchener Municipal Code are hereby repealed.
- b) The Clerk is hereby directed to make this by-law a part of The City of Kitchener Municipal Code as Chapter 25 by adding it to the Concordance and arranging and numbering it so as to fit within the schedule of the Code.
- c) This By-law will not be amended or repealed except by a two-thirds vote of all members.
- d) This By-law cannot be repealed and replaced without consideration at a Standing Committee of Council, with further ratification at a regular Council meeting and the Council may not waive such notice.

#### **22.2 By-law Previous**

This By-law will come into force and take effect on May 1, 2025.