

The Corporation of the City of Port Colborne

By-law No. \_\_\_\_\_

Being a By-law to Govern the Proceedings of Council  
and Committee Meetings, and to repeal by-law 6250/76/15  
and amendments thereto

Whereas section 238(2), of the *Municipal Act, S.O. 2001, c. 25* requires that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings; and

Whereas at its meeting of March 8, 2022, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of the Development and Legislative Services Department, Report No. 2022-57, Subject: Procedural By-law Update; and

Whereas the Council of the City of Port Colborne deems it expedient to repeal and replace By-law 6250/76/15 including amendments;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

## Definitions

In this by-law:

- 1.1 "Abstain" means a Member who is lawfully entitled to vote but chooses not to exercise their right to vote on a matter. When a Member abstains from a vote without declaring a pecuniary interest they will be counted as opposed to the motion.
- 1.2 "Act" means the *Municipal Act, S.O. 2001, c. 25. as amended.*
- 1.3 "CAO" means the Chief Administrative Officer of the City and/or designate.
- 1.4 "Chair" means the person presiding over a meeting of a Committee or Council.
- 1.5 "City" means The Corporation of the City of Port Colborne.
- 1.6 "Clerk" means the City Clerk of the City and/or designate(s).

- 1.7 “Closed Session” means a meeting or part of a meeting that is not open to the public.
- 1.8 “Committee” means a Committee of Council. This may be a standing committee or an advisory committee.
- 1.9 “Council” means the Council of The Corporation of the City of Port Colborne. The term Council also refers to Committees when no alternate rules are stated.
- 1.10 “Deputy Mayor” means that Member of Council who has been appointed to act for a designated period of time in the absence of the Mayor.
- 1.11 “Electronic Participation” means a Council Member who participates in a Committee of the Whole or Council meeting remotely via electronic means in accordance with the provisions of the *Municipal Act, 2001* as amended.
- 1.12 “Emergency” means a serious, unexpected and potentially dangerous event or situation requiring immediate action.
- 1.13 “Inaugural Meeting” means the first meeting of a new Council after a regular election.
- 1.14 "Majority" means more than half of the votes cast by Members entitled to vote and present at time of voting.
- 1.15 “Member” means a Member of Council or Committee.
- 1.16 "Meeting" means any regular, special, public, or other meeting of Council, or Committee; where
- a) a Quorum of Members is present, and
  - b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council or Committee.
- 1.17 “Pecuniary Interest” means a direct or indirect financial impact of a Member as defined under the *Municipal Conflict of Interest Act, R.S.O. 1990, c.M. 50*.
- 1.18 "Point of Order" means a matter that a Member considers to be a departure from or contravention of the rules, procedures and/or generally accepted practices of Council.

- 1.19 "Point of Privilege" means a matter that a Member considers to question their integrity and/or the integrity of the Council.
- 1.20 "Public Meeting" means a meeting of Council required pursuant to the Planning Act or other statute.
- 1.21 "Quorum" means a majority of the voting Members of Council or Committee.
- 1.22 "Regular Meeting" means a scheduled meeting held in accordance with the approved calendar/schedule of meetings.
- 1.23 "Rules of Procedure" means the rules and regulations contained in this by-law.
- 1.24 "Special Meeting" means a meeting not scheduled in accordance with the approved calendar/schedule of meetings.
- 1.25 "Seniority" means in the first instance, the total years of service as a Councillor/Mayor with the City of Port Colborne, and in the second instance, to break a tie in a ward, by majority of votes in that year.

## **General Provisions**

### **2. Rules**

- 2.1 This by-law shall be known as the "Procedural By-law" of the City of Port Colborne.
- 2.2 The rules and regulations contained in this by-law shall be the rules and regulations for the order and dispatch of business in meetings of Council and Committee. All boards and citizen committees of the City are expected to adopt procedures regarding the calling and conduct of meetings, and in the absence of such procedures, these rules shall apply.
- 2.3 Any rules or regulations contained in this by-law may be temporarily suspended, except for those rules or regulations that are set out by legislation, with the consent of at least two-thirds of the Council Members present.
- 2.4 The Clerk will be responsible to interpret the rules of procedure under this by-law.
- 2.5 All points of order or procedure for which rules have not been provided in this by-law will be decided by the Chair in accordance, as far as is reasonably practicable,

with the rules of parliamentary law as contained in Robert's Rules of Order.

- 2.6 All groups, agencies, firms or corporations that receive funding from Council and/or the City of Port Colborne will adopt provisions related to access of public meetings similar to this by-law.

## **Roles and Duties**

### **3. Chair**

- 3.1 The Chair will act as presiding officer over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding on all questions relating to the orderly procedure of the meetings, subject to an appeal by any Member to the Committee or Council of any ruling of the Chair.
- 3.2 If the Chair desires to leave the Chair for the purpose of taking part in the debate or otherwise, they will call on the Vice-Chair, or in the absence of the Vice-Chair, on another Member, to fill their place until resuming the Chair.

### **4. Mayor**

- 4.1 It is the role of the head of Council to:
- a) carry out the responsibilities of their roles as described in sections 225 and 226.1 of the Municipal Act, S.O. 2001;
  - b) represent and support the Council and its decisions in all matters;
  - c) represent the municipality at official functions;
  - d) represent Council with respect to all levels of government, their agencies, and private organizations.
  - e) preside as Chair over all Council and Standing Committee meetings, unless unavailable, in which case the Deputy Mayor will act as the presiding officer.

### **5. Deputy Mayor**

- 5.1 The role of Deputy Mayor shall be assumed by each Member of Council on an equitable rotating basis, who in the absence of the Mayor shall act in the Mayor's place and shall preside at Council and Standing Committee meetings with all powers and obligations of the Mayor.

5.2 The role of Deputy Mayor will be filled on a six-month basis and rotated amongst each elected Councillor during each new Council term. Rotation will be by Ward One through Ward Four and by seniority in each ward.

5.3 In the absence of the Mayor, or if his office is vacant or if they refuse to act, and in the absence of the Deputy Mayor, the Clerk shall call the Council to order and, if a quorum be present, the Members thereof shall choose a presiding officer from amongst the Members present and such presiding officer, during such absence or vacancy or refusal to act, has all the powers of the Mayor.

## **6. Members of Council**

6.1 It is the role of the Members of Council to:

- a) carry out the responsibilities of their roles as described in section 224 of the *Municipal Act, S.O. 2001*;
- b) uphold the by-laws and policies of the Corporation of the City of Port Colborne;
- c) deliberate on the business submitted to Committee and Council;
- d) vote on all motions before Council;
- e) respect the rules of procedure at all meetings.

## **7. Clerk**

7.1 It is the role of the Clerk to:

- a) carry out the responsibilities of their roles as described in section 228 of the *Municipal Act, S.O. 2001*;
- b) provide procedural advice to the Chair and to Members on agenda business and on preparing motions;
- c) ensure notice of meetings is provided as set out in this by-law;
- d) make minor deletions, additions or other administrative changes to any by-law, motion, and/or minutes to ensure the correct and complete implementation of the actions of Council;
- e) authenticate by signature when necessary, all resolutions, by-laws and minutes of meetings and certify copies of such documents when required;
- f) perform such other duties as prescribed by law, or by direction of Council.

7.2 The Clerk will be present at all meetings of Committee and Council.

## **Committees of Council**

### **8. Standing Committees of Council**

- 8.1 Council has one regular standing Committee called the Committee of the Whole that will be scheduled by the Clerk as needed when larger discussion or public input is required. Items for consideration at Committee of the Whole include, but are not limited to, budget, workshops, and training.
- 8.2 All Councillors are Members of the Standing Committees and the Mayor acts as presiding officer.
- 8.3 Recorded votes are not permitted at a Standing Committee.
- 8.4 Motions passed in Standing Committee will be brought forward to a Regular Council Meeting for ratification.

### **9. Advisory Committees**

- 9.1 Council may, at any time, establish a committee to advise Council on matters within their jurisdiction.
- 9.2 Members of the Committees will be appointed by Council at the recommendation of the Clerk.
- 9.3 Up to two Members of Council will be appointed to each board and/or Advisory Committee to act as a liaison to the committee. The Mayor is an ex-officio non-voting member of every Committee.
- 9.4 Members of Council are not eligible to act as Chair or Vice-Chair and are non-voting Members.
- 9.5 Advisory Committees will be reviewed at the beginning of each term of Council.
- 9.6 All Advisory Committees will follow the rules of Standing Committees unless otherwise stated in their terms of reference approved by Council.
- 9.7 If a quorum for an Advisory Committee meeting is not present within fifteen (15) minutes of the time fixed for the commencement of the meeting, the Committee may proceed without a quorum, provided that at least three Members are present. The Clerk is not required to be present and no motions will be passed or minutes prepared.

## **Council and Committees of Council**

### **10. General**

- 10.1 Meetings are held in the Council Chambers of City Hall unless otherwise decided by the Clerk, in consultation with the Mayor and/or CAO.
- 10.2 Meetings are held on the second and fourth Tuesday of each month at 6:30 p.m., except when Tuesday is a public holiday or a day when City Hall is closed, in which case the meeting is held at the same hour on the next day that City Hall is open.
- 10.3 Only the first regular meeting of Council in August and December shall be held.
- 10.4 In a municipal election year only the first regular meeting of Council shall be held in September and October.
- 10.5 If changes to the meeting calendar are necessary the Clerk may bring a report to a meeting of Council and the annual schedule may be changed with a majority vote of the Members.
- 10.6 Where circumstances warrant, the Clerk may, in consultation with the Mayor and/or CAO, cancel a meeting. Where possible notice of cancellation will be given to the Members and staff by e-mail or telephone. Public notice of the cancellation will be provided by way of the City's website and/or posting a written notice at City Hall. The business of the cancelled meeting shall be considered at the next regularly scheduled meeting, or at a special meeting called in accordance with this by-law.
- 10.7 Consumption of beverages other than water, and the consumption of food, shall not be permitted in the Council Chambers during a meeting.

### **11. Meetings Open to the Public**

- 11.1 Except as provided in this by-law, all meetings will be open to the public.
- 11.2 The chair may expel or exclude from any meeting any person who has engaged in improper conduct at the meeting.
- 11.3 Except for the Members and staff, no person is allowed to proceed beyond the area in the Council Chambers which has been set aside for the public and the media, unless permitted to do so by the Mayor, CAO, or Clerk. In no case shall such person be allowed to take a seat among or occupy the seat of a Member.

### **12 Inaugural Meeting of Council**

- 12.1 The first meeting of a newly elected Council will be held in Council Chambers at the date and time of the first regularly scheduled Council meeting following the commencement of the new term.

### **13 Special Meetings**

- 13.1 The Mayor may at any time call a special meeting of Council or Committee.
- 13.2 The Mayor shall call a special meeting upon direction of a majority vote of the Members at a regular Council meeting.
- 13.3 The Clerk shall call a special meeting whenever requested by written petition of a majority of the Members of Council so to do, for the purpose and at the time mentioned in the petition.
- 13.4 Special Meetings should only be called when business cannot wait until the next regularly scheduled meeting in order to promote transparency.
- 13.5 The determination of meeting type (Council or Committee of the Whole), shall be made by the Clerk, in consultation with the Mayor and/or CAO, and shall take into consideration the nature of the business to be considered.
- 13.6 Notice will be provided by the Clerk in accordance with section 17 of this by-law.
- 13.7 No business may be considered at a special meeting of Council or of a Committee other than that specified in the notice, or agenda.

### **14 Statutory Public Meetings**

- 14.1 Matters requiring a Public Meeting by Council under the *Planning Act* or other statute shall be presented to Council as follows:
- a) at a regular meeting of Council to be held at 6:30 p.m. on the third Tuesday of the month, up to 6 times a year. These meetings will be scheduled by the Clerk by December 31 of the prior year and included in the annual schedule of Council meetings.
  - b) as a separate item of business on the agenda of a regular Council or Committee meeting, whichever is deemed most expedient by the Clerk in consultation with the CAO.

### **15 Closed Session**

- 15.1 No meeting or part of a meeting may be closed to the public unless the subject matter meets the legislated criteria for a closed meeting. The decision to close a meeting is discretionary.
- 15.2 In accordance with sections 239(2), 239(3), and 239(3.1) of the *Municipal Act, S.O. 2001, c. 25*, 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) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
  - i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
  - j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
  - k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board;
  - l) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act;
  - m) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of the *Municipal Act*, or the investigator referred to in subsection 239.2 (1) of the *Municipal Act*;

- n) educational or training of the members where 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.
- 15.3 Prior to moving into a closed session for one of the reasons listed in section 15.2, Council will pass a motion stating:
- a) the fact that Council is convening into closed session;
  - b) the specific provision under the *Municipal Act* that permits the item to be considered in a closed session; and
  - c) the general nature of the matter to be considered.
- 15.4 Attendance in closed sessions will be limited to the Members of Council, Clerk, CAO, and those specifically invited to remain by the CAO.
- 15.5 Members are prohibited from discussing any additional matters during a closed session other than those identified by the motion passed under section 15.3.
- 15.6 When in closed session a vote will not be taken unless the vote is for a procedural matter, or for giving direction to staff or other individuals under section 239(6) of the *Municipal Act*.
- 15.7 On reconvening in public session, the Chair will accept a motion regarding the matters discussed in closed session, or alternatively advise that direction had been given to staff during the closed session in accordance with the *Municipal Act*.
- 15.8 The Clerk is responsible for maintaining a confidential copy of all original documentation distributed and confidential minutes of all closed sessions.
- 15.9 All information, documentation or deliberations received, reviewed or taken in closed session is confidential.
- a) Members shall hold in strict confidence all information concerning matters dealt with in closed session. No Member shall release, make public, or in any way divulge any such confidential information or any aspect of closed session deliberations, unless expressly authorized by Council or required by law.
  - b) Any member who contravenes these provisions shall be deemed not to be acting in the interest of, on behalf of, or with the authority of the Council of The Corporation of the City of Port Colborne.

- 15.10 Any person may file a complaint as to whether the City has complied with the open meeting legislation by filing a complaint with the Ontario Ombudsman.

## **16 Electronic Participation**

- 16.1 Electronic participation will be permitted by Members of Council and Committees only in circumstances deemed extraordinary by the Clerk.
- 16.2 A Member of Council shall be present in person at the meeting in order to Chair the meeting. If all Members are participating electronically then the Chair would be appointed as prescribed in this by-law.
- 16.3 The Member of Council who wishes to participate in a meeting electronically shall provide the Clerk a minimum of 24 hours' notice in advance.
- 16.4 Members participating electronically will count towards quorum in accordance with Section 238 (3.3) of the *Municipal Act*.

## **17. Notice of Meeting**

- 17.1 The Clerk will provide notice to the public of all meetings of Council, agendas, cancellations and re-scheduling by:
- a) posting the annual schedule of meetings on the City's website and by distributing copies upon request;
  - b) updating the City's website calendar within twenty-four hours of any changes made to the schedule;
- 17.2 The agenda for each regular Council, Public, or Committee meeting will be posted to the City's website not less than seventy-two hours before the hour appointed for the holding of the meeting.
- 17.3 Items or matters will not be added to the agenda after distribution to Council or Committee unless they are of an urgent nature and require a decision prior to the next Council or Committee meeting. In these cases, an Addendum will be prepared, distributed and posted to the City's website calendar.
- 17.4 The agenda for each Special Meeting of Council or Committee will be posted on the City's website not less than forty-eight hours before the time set for such special meeting.

- 17.5 A Special Meeting of Council may be held, without notice, to deal with an emergency situation as defined under the Emergency Management and Civil Protection Act provided that an attempt has been made to reach the members by telephone and/or e-mail. No business except business dealing directly with the emergency situation will be transacted at that meeting.
- 17.6 Lack of receipt of the notice will not affect the validity of holding the meeting nor any action taken at the meeting.
- 17.7 The Chair may, if it appears that an emergency weather event will prevent the Members from attending a meeting, postpone that meeting by advising the Clerk and as many Members as they are able to reach. Postponement will not be for any longer than the next regularly scheduled meeting of that Committee or Council.

## **18 Call to Order and Quorum**

- 18.1 The Chair will call the meeting to order as soon after the hour of meeting as a quorum is present. Quorum is achieved when a majority of the Members are present.
- 18.2 If the Mayor is not present within fifteen (15) minutes of the time appointed for the meeting, the Deputy Mayor shall call the meeting to order and shall preside during the meeting or until the arrival of the Mayor.
- 18.3 If a quorum for a Council, or Committee meeting is not present within fifteen (15) minutes of the time fixed for the commencement of the meeting, the Clerk will indicate that no quorum is present and the meeting will stand adjourned until the next meeting of Council.
- 18.4 Where the number of Members who are unable to participate in a meeting by reason of the provisions in the *Municipal Conflict of Interest Act, R.S.O. 1990, c.M. 50*, such that at that meeting the remaining Members are insufficient to constitute quorum, the remaining Members will be deemed to constitute a quorum, provided such number is not less than two.
- 18.5 If during the course of a Council meeting, a quorum is lost, the Chair will declare that the meeting will stand recessed temporarily or be adjourned until the date of the next regular meeting.

## **19 Meeting Recess**

- 19.1 Council may, after ninety minutes of consecutive deliberation, recess for a period deemed appropriate by the Chair.

## **20 Adjournment Hour**

- 20.1 All meetings will adjourn when Council, or Committee have completed all business listed on the agenda, or at 11 p.m., whichever is earlier.
- 20.2 Where the business before Council or Committee has not been completed by the adjournment hour, a motion may be passed by two-thirds vote of the members present to proceed beyond the hour of 11 p.m. to continue any unfinished business.
- 20.3 Notwithstanding section 20.2 above, no meeting will proceed beyond the hour of 12 a.m.
- 20.4 Unless decided otherwise prior to the adjournment of the meeting, any unfinished business will be discussed at the next scheduled Council meeting.

## **21 Recording of Meetings**

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

## **Council and Committee Agendas and Minutes**

## **22 General**

- 22.1 Prior to each regular meeting, the Clerk in consultation with the CAO, shall prepare an agenda of all the business to be brought before Council and Committee.
- 22.2 The agenda shall include the date, time and location of the meeting, and shall accurately reflect the matters intended to be considered at the meeting.
- 22.3 Agendas, along with supporting materials, shall be delivered to the Members and the public on the Thursday prior to a regular meeting.
- 22.4 All information and communications intended to be presented to Council shall be submitted to the Clerk in writing and prepared by staff using the City's standard report template or in the form of a memorandum.
- 22.5 All documents intended to be submitted to Council shall be delivered to the Clerk no later than 12 p.m. on the Tuesday prior to the meeting.
- 22.6 Addendums to the agenda will be avoided for all but urgent matters in order to provide transparency in decision-making. Matters will not be added to the agenda after distribution to Council or Committee unless they are of an urgent nature and require a decision prior to the next Council or Committee meeting.
- 22.7 All business will be taken up in the order as listed on the agenda unless otherwise decided by a vote of the majority of Members present.

## **23 Council Agenda**

- 23.1 Council agendas shall be generally formatted as follows but modifications to the matters to be included or to the order of business may be made by the Clerk without requiring amendment to this by-law:
  - a) Call to Order
  - b) National Anthem
  - c) Land Acknowledgment
  - d) Proclamations
  - e) Adoption of Agenda
  - f) Disclosures of Interest
  - g) Approval of Minutes
  - h) Statutory Public Meetings
  - i) Staff Reports
  - j) Correspondence Items
  - k) Presentations

- l) Delegations
- m) Mayor's Report
- n) Regional Councillor's Report
- o) Staff Remarks
- p) Councillors' Remarks
- q) Consideration of Items Requiring Separate Discussion
- r) Motions
- s) Notices of Motions
- t) Minutes of Boards & Committees
- u) By-laws
- v) Confidential Items
- w) Procedural Motions
- x) Information items
- y) Adjournment

## **24 Standing Committee Agenda**

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

- a) Call to Order
- b) Adoption of Agenda
- c) Disclosures of Interest
- d) Public Meetings
- e) Staff Reports
- f) Correspondence Items
- g) Presentations
- h) Delegations
- i) Consideration of Items Requiring Separate Discussion
- j) Procedural Motions
- k) Information items
- l) Adjournment

## **25 Consent agenda**

25.1 All staff reports and correspondence items will be considered as a consent agenda. The Chair will allow Members to remove items from the section of the agenda before voting on the remainder of the items.

25.2 All items listed in the consent agenda are subject to a single motion that is neither debatable, nor amendable. A Member may make a brief comment regarding a consent item prior to the consideration of the motion, however, if an item requires

further discussion, debate, or an amendment it must be removed from the consent agenda and placed on the regular agenda for discussion.

## **26 Notice of Motion**

- 26.1 A Notice of Motion is a statement of intention to introduce a motion at a future meeting. A Notice of Motion is not debatable.
- 26.2 A Notice of Motion may be given by any Member during the appropriate part of a meeting of Council. The item will be added to the agenda of the next regularly scheduled Council meeting.
- 26.3 Where it is deemed necessary to not delay the consideration, a notice of motion may be considered by Council immediately upon its introduction by a successful two-thirds vote of the Members present.
- 26.4 After having provided a Notice of Motion, the Member shall prepare and submit a memorandum including information on the item and the proposed motion to the Clerk by Tuesday at 12 p.m. the week before the Council meeting so that it can be included in the agenda.
- 26.5 Memorandums submitted to the Clerk by the prescribed time will be permitted on the agenda even if notice was not provided at the previous meeting. The memorandum will act as notice and the item will be discussed at the regular meeting of Council.

## **27 By-laws**

- 27.1 All by-laws being considered will be listed and included in the Council agenda.
- 27.2 Subject to the provisions of any statute or regulation which requires otherwise, by-laws shall require only one reading prior to being passed by Council.
- 27.3 Unless separated at the request of a Member, all by-laws proposed for adoption will be passed collectively by a single motion.
- 27.4 Every by-law passed by Council will be sealed with the seal of the Corporation, signed by the Mayor, or Chair of the meeting at which the by-law was passed, and by the Clerk present at the meeting, and deposited with the Clerk to become part of the official record.

27.5 A by-law will be passed for each regular or special Council meeting to confirm the proceedings thereof.

27.6 The Clerk is authorized to make minor corrections to any by-law resulting from technical or typographical errors prior to the by-law being signed.

## **28 Minutes**

28.1 Minutes shall record:

- a) the place, date and time of meeting;
- b) the name of the Chair and the record of the attendance of the Members;
- c) declarations of pecuniary interest;
- d) the motions considered and votes taken by Council, or Committee; and
- e) except as provided elsewhere in this by-law, all the other decisions or authorized actions without note or comment

28.2 The minutes of each Council and Committee meeting shall be presented to Council at the next regular meeting for confirmation.

## **29 Mayor, Regional Councillor Reports, and Councillors' Remarks**

29.1 The Mayor will have the opportunity at every Regular Council meeting to report on the activities of the Mayor's Office.

29.2 The Regional Councillor for the City of Port Colborne will have the opportunity at every Regular Council meeting to report on the activities of the Region.

29.3 Councillors will have the opportunity at every regular Committee meeting to report on constituency activities.

29.4 Any motion arising from the Mayor's Report, Regional Councillors' Report or Councillors' Remarks that will affect City policies or procedures, or that will require the allocation of financial or other City resources, shall be referred to staff for the preparation of a report to Council.

## **Public Participation**

### **30 Public Conduct at Meetings**

30.1 Only Members and authorized City staff will be allowed to proceed beyond the

speaker's podium without permission of the Chair or Clerk.

- 30.2 Public attendees must maintain order and will not display signs or placards, applaud, heckle, engage in telephone or other conversation, or demonstrate any behaviour that may be considered disruptive. No person will use indecent, offensive, or insulting language or speak disrespectfully to anyone in Council Chambers.
- 30.3 All electronic devices must be turned off or switched to silent during Council and Committee meetings. Photography and video should be kept to a minimum during a meeting and will only be permitted so long as it does not interfere with the meeting in any way. At any time during the meeting, at the discretion of the Clerk, use of electronic devices may also be prohibited if it is believed that the use is interfering with any audio or video broadcast of the meeting.
- 30.4 Any person who contravenes any provision of this section may be expelled from the meeting by the Chair.

## **31 Presentations**

- 31.1 Presentations addressing matters relevant to the City and seeking to provide information, or receive input from Council, or Committee will be permitted from any local board or similar authority including relevant agencies, boards, commissions as well as other levels of government and City staff.
- 31.2 Presentations also include those appearing before Council to accept an award or receive recognition from the City.
- 31.3 Those wishing to make a presentation must provide a written submission to the Clerk by 12 p.m. on the Tuesday prior to the meeting, outlining the name(s), title(s), etc of those making the presentation and clearly stating the subject matter of the presentation.
- 31.4 Presentations will be limited to a maximum of ten minutes unless the representative has requested and been granted extra time from the Clerk before the agenda is published.
- 31.5 Council may limit or extend the time allowed for a presentation by a majority vote.

## **32 Delegations**

- 32.1 Requests to delegate regarding an item on the Council or Committee agenda must be submitted in writing to the Clerk by 12 p.m. on the day of the meeting.
- 32.2 Any person, group of persons, or organization may request to speak to an item listed on the agenda provided that the subject matter of the delegation directly

relates to the item on the agenda. All requests to delegate must be made in writing to the Clerk, outlining the nature of their request, and include any additional material (i.e. PowerPoint) by the deadline stated in section 32.1.

- 32.3 If a delegate requests to speak regarding a matter not listed on the agenda they must provide the Clerk with a written submission outlining their request by 12 p.m. the Tuesday before the Council meeting. It will be at the discretion of the Clerk in consultation with the CAO if the item is an appropriate matter to be considered by Council.
- 32.4 Where a delegate has spoken previously at Committee or Council on an item a further delegation request by the delegate, or a related party, will not be permitted on the Council agenda unless the delegation is bringing forward new information. Only the new information will be heard.
- 32.5 The Clerk will provide the Chair with all requests to delegate submitted after the deadlines stated in section 32.1 and 32.3, for Council consideration. A majority vote is required to permit the delegate to speak.
- 32.6 A combined limit of three presentations and delegations will be permitted on the agenda of a Council meeting. There will be no limit on the number of delegations that the Clerk registers regarding items on the agenda.
- 32.7 Delegations will be permitted without prior registration during any public meeting as required by section 14.1 of the *Planning Act, R.S.O. 1990, c. P.13* or the *Drainage Act*. Delegations are strongly encouraged to register before the standard delegation registration deadline and will be asked to fill in an attendance form to fulfill legislative notice requirements.
- 32.8 Delegations will not be permitted:
  - a) when the subject matter is beyond the jurisdiction of the municipality;
  - b) for the purpose of advertising, publicizing or promoting any business or commercial enterprise or related event;
  - c) on any matter that is subject to a future meeting of Council or Committee;
  - d) on matters relating to litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunal, unless such matter is referred to Council by the said court or administrative tribunal; or
  - e) on any Closed meeting agenda items
- 32.9 A person wishing to register as a delegation regarding an operational or administrative matter may be directed to the CAO first to discuss the issue.
- 32.10 Delegations will be permitted to speak for a maximum of ten minutes. The allotted

time includes any audio or video presentations but does not include answering questions from Members. If there are numerous delegates taking the same position on a matter, the Clerk will encourage them to select one spokesperson to present their views within the time allocation.

- 32.11 The speaking time for a delegation may only be extended by majority vote of the Members present.
- 32.12 Delegations must abide by the rules of procedure and public conduct at meetings. They will accept any decisions of the Chair and not enter into cross debate with Members, other delegations, or staff. Any discourse between Members and the delegation will be limited to Members asking questions for clarification and obtaining additional, relevant information only.
- 32.13 Where the CAO or the Clerk determines that a person requesting to delegate is likely to engage in unreasonable or offensive conduct, make unreasonable or offensive statements or demands, repeatedly speak on a subject matter that is not within the City's jurisdiction, or otherwise misuse the privilege of addressing Committee or Council, the person will not be permitted to appear as a delegate at the meeting.
- 32.14 At the discretion of the Chair, CAO, or City Clerk, written delegation material may be requested in advance of the meeting prior to confirming registration as a delegation. Upon review of that material by the Chair, CAO, or City Clerk, if it is deemed not applicable to the business of Council or Committee, the delegation will not be registered to speak at the meeting.
- 32.15 If a request to delegate has been denied in accordance with section 32.13 or 32.14 the CAO or the Clerk will:
  - a) Notify the requester that they will not be permitted to appear as a delegate and provide reasons for the decision; and
  - b) Inform the Members of the decision to deny the request.

### **33 Communications and Petitions**

- 33.1 Every communication, including a petition, intended to be presented to Council and Committee shall be electronic or legibly written and shall be signed by at least one person giving their printed name and address.
- 33.2 Communications or petitions containing obscene or defamatory language shall not be accepted or presented to Council or Committee.
- 33.3 Petitions shall be presented to the Clerk and must include a written statement or position of those that signed the petition, the legible printed names and addresses of the petitioners, and original signatures of each. The individual or group initiating

the petition, or submitting the petition to the Clerk, must also provide their name(s) and contact information to the Clerk.

- 33.4 Every communication addressed to Council and submitted to the Clerk shall be directed to the agenda of the next regularly scheduled Council and Committee meeting.
- 33.5 Communications and petitions that relate to an item listed on the agenda must be submitted in accordance with the timelines specified in section 32.1 for inclusion in the agenda.
- 33.6 All communications addressed to Council, included on an agenda or otherwise considered in open session by Council or Committee or during a public hearing, is deemed to be a communication in the public domain. Such information shall form part of the public record, unless the author expressly requests the removal of particular information. This includes names, addresses and other personal information contained therein. Such information shall be made available to the general public and published in agendas and/or minutes. Any person with questions regarding the public disclosure of this information should contact the Clerk.

## **Rules of Conduct and Debate**

### **34 Conduct of Members**

- 34.1 Members of Council and Committees will:
  - a) act in accordance with their Declaration of Office under the *Municipal Act, 2001*;
  - b) discharge with integrity all responsibilities to Council, the City of Port Colborne, and the public, in keeping with approved corporate policies;
  - c) treat the Chair, other Members, staff, and delegates from the public with courtesy, respect and good faith;
  - d) hold in strict confidence all information concerning matters dealt with in closed session. The Member will not release, make public or in any way divulge any such confidential information or any aspect of the closed session deliberations, unless expressly authorized or required by law;
  - e) be encouraged to ask any relevant questions of staff prior to any meeting where an issue may be introduced or debated so that staff may be able to have appropriate information at such meeting if necessary;

- f) not leave their seat or make any noise or disturbance while a vote is being taken and until the result is declared;
- g) not criticize any decision of the Council except for the purpose of introducing a motion for reconsideration;
- h) not disobey the rules of the Council or a decision of the Chair or Council on a question of order, practice or interpretation of the rules of the Council;
- i) turn off, or silence, all electronic devices except those in use to facilitate the meeting; and
- j) adhere to the City's Code of Conduct

34.2 Where a Member has been called to order by the Chair for disregarding the rules of procedure and the Member persists in such conduct, the Chair may order the Member to vacate the meeting place. If the Member apologizes, the Chair may permit the Member to retake their seat.

34.3 If the Member called out of order does not apologize and will not leave their seat, the Chair will recess the meeting and request that the Clerk contact security.

## **35 Disclosure of Pecuniary Interest**

35.1 It is the responsibility of each member to identify and disclose a pecuniary interest on any item or matter before Council, or Committee in accordance with the *Municipal Conflict of Interest Act*, R.S.O.1990, c.M. 50.

35.2 Where a Member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council or Committee at which the matter is the subject of consideration, the Member will, in accordance with *Municipal Conflict of Interest Act*, R.S.O.1990, c.M. 50 (5):

- a) file a written statement of the interest and its general nature with the Clerk prior to the meeting;
- b) not take part in the discussion of, or vote on any question with respect to the matter;
- c) not attempt in any way before, during and/or after the meeting to influence the vote on the matter.

35.3 Where a meeting is not open to the public, in addition to complying with the requirements under the *Municipal Conflict of Interest Act*, the Member will forthwith leave the meeting for the part during which the matter is under consideration.

35.4 The Clerk will record the particulars of any disclosure of pecuniary interest made by Members of Council or Committees in the minutes of that meeting and update the Pecuniary Interest Registry. The Registry will be available for public inspection.

## **36 Questions/Speaking**

- 36.1 Members will be permitted to ask each delegation two questions at a time directly relating to the matter under consideration.
- 36.2 Prior to accepting a motion, the Chair will permit two questions at a time from each Member directly relating to the matter under consideration.
- 36.3 A Member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding. All questions will be stated succinctly and will not be used as a means of making statements, or assertions.
- 36.4 All Members will address their questions and comments through the Chair.
- 36.5 When all questions have been addressed a Member may move a motion. The Chair will allow the mover to address Council first.
- 36.6 To address Council, a Member will request to speak by raising their hand and wait to be recognized by the Chair.
- 36.7 The Chair will recognize the Members who wish to speak in the order that they come to the Chair's attention. When a Member has been recognized by the Chair as having the floor, the Member will direct their comment to the Chair and speak only to the matter under consideration.
- 36.8 When a Member is speaking, no other Member will interrupt, except to raise a Point of Privilege or Point of Order.
- 36.9 Any Member may require the motion under discussion to be read at any time during the debate so long as they do not interrupt a Member while speaking.
- 36.10 No Member will be permitted to speak a second time on an item of business until every Member who desires to speak has spoken.
- 36.11 Each Member will have a limit of five minutes to speak on a motion and will be given the option of an additional five minutes after every Member has been allowed to speak. An additional five minutes will only be provided to Members through the passing of a two-thirds vote.
- 36.12 The Chair may ask questions, or comment in a general manner without leaving their position. If the Chair wishes to make a motion, or speak to a motion taking a definite position then they must first leave the Chair position by calling on the Vice-Chair to fill their place until their comments are finished.

## **37 Motions**

- 37.1 In Council, the following motions may be introduced verbally, without notice and without leave, except as otherwise provided by this by-law:
- a) a point of order or privilege;
  - b) to suspend the rules of procedure;
  - c) to postpone definitely (deferral motion with a specified date/meeting);
  - d) to refer;
  - e) to amend;
  - f) to postpone indefinitely (deferral motion without specifying a date/meeting);
  - g) to close debate;
  - h) to adjourn;
  - i) any other procedural motion.
- 37.2 A motion must be seconded before being debated or put to a vote.
- 37.3 A negative motion is not permitted.
- 37.4 The Mayor may not move or second any motion.
- 37.5 The mover and seconder may withdraw a motion or a notice of motion at any time prior to it being opened for discussion by the Chair. If withdrawn prior to discussion, the motion is not included in the minutes of the meeting.
- 37.6 After a motion has been opened for discussion by the Chair, it will be deemed to be in the possession of Council, but may be withdrawn by the mover at any time before a decision or amendment, provided Council does not object.
- 37.7 When a motion is under consideration, no new main motion will be accepted. Non-main motions are acceptable including procedural motions, and motions to refer, defer, and amend.
- 37.8 A Member may request the Mayor to “call the question,” which, if granted by the Mayor, closes debate and puts the motion to a vote. Unless a Member immediately appeals the decision, the decision of the Mayor is final.
- 37.9 After a motion has been put to vote by the Chair, no Member may speak to the motion nor will any other motion be made until after the vote is taken and the result has been declared.
- 37.10 A motion regarding a matter that is beyond the jurisdiction of Council will not be in order except a matter that, in the opinion of the majority of Council, has to do with the welfare of the citizens generally. The question of the opinion is to be decided without debate.
- 37.11 Schedule A of this by-law describes the form and standard descriptive

characteristics of motions commonly used in Committee and Council.

## **38 Voting**

- 38.1 Voting will be conducted in the following order:
- a) amendment to any amending motion;
  - b) upon determination of a) above, any subsequent amendment to the amending motion;
  - c) the amending motion;
  - d) the main motion (as amended or as originally presented).
- 38.2 A motion shall be put to a vote by the Mayor immediately after all the Members who wished to speak on the motion have spoken.
- 38.3 After a Motion is put to a vote by the Chair, no Member shall speak on that Motion nor shall any other Motion be made until after the result of the vote is announced by the Chair.
- 38.4 When the motion under consideration contains distinct recommendations, a Member may request that the vote be taken separately on each recommendation and no vote will be required to be taken on the matter as a whole.
- 38.5 When a vote is called by the Chair, each Member, unless they have declared a pecuniary interest, will vote by a clear show of hands. The Chair will first ask those in favour to raise their hands, followed by those opposed and will then declare the result of the vote. A vote will never be taken by secret vote, or ballot.
- 38.6 Every Member present at a meeting will vote on every motion, unless prohibited by legislation. Failure to vote for any reason will be deemed to be a negative vote.
- 38.7 The Mayor shall vote on a motion but shall not have a second or casting vote in the event of an equality of votes on any question.
- 38.8 The Mayor shall announce the result of every vote taken as either “carried” or “lost”.
- 38.9 Except as provided elsewhere in this by-law, a motion will be considered carried when a majority of the Members present and voting have voted in favour of the motion. When there is a tie vote the motion is lost.
- 38.10 If a Member disagrees with the result as announced by the Mayor, the Member may, immediately after the declaration of the result, object to the declaration and require the Mayor to call for another vote on the matter.
- 38.11 Recorded votes are only permitted in Council meetings and only on main motions.

- 38.12 When a Member requests, immediately prior to the taking of the vote, that the vote be recorded, the Clerk shall call the names of all the Members present in alphabetical order to vote, unless a Member has declared a pecuniary interest, and except that the Mayor shall vote last. Each Member shall answer “yes” or “no” to the motion. The result of the recorded vote shall be announced by the Clerk and the name of each Member who voted and the manner in which they voted shall be recorded in the minutes.

## **39 Reconsideration**

- 39.1 Any proposal to reconsider, amend or rescind a previous decision of Council made within its current term shall require a motion of reconsideration.
- 39.2 A motion to reconsider a previous decision of Council made earlier in a meeting:
- a) may be presented at any time prior to the meeting’s adjournment by any Member who voted in the majority when the decision was made;
  - b) may not be applied to a decision to postpone indefinitely; and
  - c) requires an affirmative vote of the majority of the Members present.
- 39.3 A motion to reconsider a previous decision of Council at a subsequent meeting:
- a) may only be introduced by a Member who was present at the meeting and voted in the majority when the decision was made or who was not present at the meeting when the decision was made;
  - b) will be introduced as a notice of motion in accordance with section 26 for consideration; and
  - c) requires an affirmative vote of two-thirds of the Members present.
- 39.4 Debate on a motion for reconsideration will be confined to reasons for or against reconsideration.
- 39.5 Discussion of the previous decision will not be in order until the motion to reconsider has been adopted.
- 39.6 Where the motion to reconsider is approved, reconsideration will become the next order of business. Debate on the original motion shall proceed as though it had never previously been voted on.
- 39.7 A decision of Council can only be reconsidered once during a term of Council. A motion to reconsider a previous reconsideration will never be in order.

39.8 Actions of the Council that cannot be reversed or suspended cannot be reconsidered.

39.9 The effect of a Notice of Motion to Reconsider a decided matter is the suspension of all action that depends on the result of the matter to be reconsidered.

By-law 6250/76/15 is hereby repealed;

Schedule A as affixed hereto forms part of this by-law; and

Enacted and passed this 8th day of March, 2022.

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William C. Steele  
Mayor

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Amber LaPointe  
City Clerk

## **Schedule A to By-law \_\_\_\_\_ – Common Motions**

### **1. Motion to Adjourn**

- 1.1 A Motion to adjourn:
- a) is always in order except as provided by this by-law;
  - b) is not debatable;
  - c) is not amendable;
  - d) is not in order when a Member is speaking or during the verification of the vote.
  - e) is not in order immediately following the affirmative resolution of a motion to close debate; and
  - f) when resulting in the negative, cannot be made again until after some proceedings have been completed by Council.
- 1.2 A motion to adjourn without qualification, if carried, brings a meeting or a session of Council to an end.
- 1.3 A motion to adjourn to a specific time, or to reconvene upon the happening of a specified event, suspends a meeting of Council to continue at such time.

### **2. Point Of Privilege**

- 2.1 A Member may at any time raise a point of privilege directing attention to a matter that affects the integrity, character or reputation of an individual, individuals or the entire Council, or the ability of an individual to participate.
- 2.2 A point of privilege will take precedence over any other matter and a Member will not be permitted to enter into any debate or introduce any motion not related to the point of privilege.
- 2.3 The Chair will decide upon the point of privilege and advise the Members of the decision.
- 2.4 Where the Chair recognizes that a breach of privilege has taken place the Chair shall demand that the offending Member or individual apologize and failing such apology shall require said Member or individual to vacate the Council Chambers for the duration of the meeting.
- 2.5 The Chair's decision is final unless a Member immediately appeals the decision.
- 2.6 If the decision of the Chair is appealed, the Chair will immediately call a vote on the decision. The vote will occur without debate and the results will be final, based on a two-thirds vote.

### **3. Motion to Close Debate (Previous Question)**

- 3.1 A motion to close debate:
- a) is not debatable;
  - b) is not amendable;
  - c) cannot be moved with respect to the main motion when there is an amendment under consideration;
  - d) should be moved by a Member who has not already debated the question.
  - e) requires a two-thirds majority vote of members present for passage; and
  - f) when resolved in the affirmative, the question is to be put forward without debate or amendment.

#### **4. Motion to Defer (Motion to Postpone Definitely)**

- 4.1 A motion to defer:
- a) will state a fixed time, or date;
  - b) is debatable, but only as to whether the matter should be postponed and to what time;
  - c) is amendable as to time and/or date;
  - d) requires a majority vote of Members present to pass; and
  - e) will have precedence over the motions to refer, to amend, and to postpone indefinitely.

#### **5. Motion to Refer (To Committee or Staff)**

- 5.1 A motion to refer:
- a) will state the committee, or staff Member where the motion is to be referred to and the reason for referral;
  - b) is debatable;
  - c) is amendable; and
  - d) will take precedence over all amendments of the main question and any motion to postpone indefinitely.

#### **6. Motion to Amend**

- 6.1 A motion to amend:
- a) is debatable;
  - b) is amendable;
  - c) will be relevant and not contrary to the principle of the motion under consideration;
  - d) may propose a separate and distinct disposition of a question provided that such altered disposition continues to relate to the same issue which was the subject matter of the question and
  - e) will be decided (or withdrawn) before the main motion is put to a vote.
- 6.2 Only one motion to amend an amendment to the original motion will be allowed at one time. Further amendments will be considered after a vote on the amendment

to the proposed amendment.

## **7. Motion to Postpone Indefinitely**

- 7.1 A motion to postpone indefinitely:
- a) stops a motion and avoids a direct vote on the question;
  - b) is debatable;
  - c) is not amendable; and
  - d) requires a majority vote.

## **8. Point of Order**

- 8.1 A Member may raise a point of order when they consider a matter to be a departure from or contravention of the rules, procedures and/or generally accepted practices of Council.
- 8.2 A Member will raise the point of order by requesting the floor, and after being granted the floor by the Chair, they will state the point of order to the Chair. The Chair will make a timely decision on the point of order. Thereafter, the Member will only address the Chair for the purpose of appealing the decision to Council.
- 8.3 If the Member does not appeal, the decision of the Chair will be final. If the Member appeals, the Chair will immediately call a vote on the decision. The vote will occur without debate and the results will be final, based on a two-thirds vote.

## **9. Motion to Suspend the Rules (Waive the Rules)**

- 9.1 A motion to suspend the rules:
- a) is not debatable;
  - b) is not amendable;
  - c) requires a two-thirds majority vote to carry; and
  - d) takes precedence over any motion if it is for a purpose connected with that motion.