

# **The Regional Municipality of Niagara**

## **Procedural By-law 96 - 2007**

*Includes the amendments made to this by-law by:  
By-law 109-2009 on December 17, 2009*

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**THE REGIONAL MUNICIPALITY OF NIAGARA  
PROCEDURAL BY-LAW**

**Being a by-law to govern the calling, place and proceedings of the meetings of Council and its Committees and to repeal By-law 120-2005.**

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**WHEREAS** subsection 238(2) of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

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

**1. INTERPRETATION**

**1.1 Definitions**

For the purposes of this By-law:

- (a) “Act” means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended from time to time;
- (b) “Acting Chair” means the Member appointed by by-law to act in the place and stead of the Chair;
- (c) “Acting Committee Chair/Co-Chair” means the Member appointed by the members of the Committee to act as Chair/Co-Chair of the Committee in the place and stead of the Committee Chair/Co-Chair;
- (d) “Ad Hoc Committee” means an Advisory Committee of specified duration, established by Council to undertake the review of a special issue or short term project. Such a Committee shall be governed by clear terms of reference including a clause indicating when the Committee will cease to exist;
- (e) “Advisory Committee” means any board, commission or committee established by Council, other than a Standing Committee, which has at least one (1) Member appointed from Council. The member(s) appointed by Council may be Member(s), staff of the Region, and/or member(s) of the public;

- (f) “Area Municipality” means any one of the municipalities of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and the Township of West Lincoln;
- (g) “Chair” means the head of Council;
- (h) “Clerk” means the Clerk of the Region appointed under the Act and shall include a "Deputy Clerk" and any other employee of the Region to whom the Clerk has delegated any of the Clerk's powers and duties under the Act, to the extent that they are authorized to perform any of the duties of the Clerk under this By-law;
- (i) “Closed Session” means a Meeting or a part of a Meeting of Council, a Committee or Committee of the Whole, which is not open to the public in accordance with the Act;
- (j) “Committee” means any Standing, Ad Hoc or Advisory Committee, Sub-Committee or board and any other similar group composed of individuals appointed by Council, or similar entity established by Council and composed of Members;
- (k) “Committee Chair/Co-Chair” means the chair or co-chair of a Committee;
- (l) “Committee of the Whole” means a Standing Committee composed of all the members of Council;
- (m) “Committee Vice-Chair” means the vice-chair of a Committee;
- (n) “Council” means the Council of the Region;
- (o) “Councillor” means a person elected or appointed as a member of Council;
- (p) “Majority” means more than half of the votes cast by the Members who are present and eligible to vote;
- (q) “Meeting” means any regular, special, committee or other meeting of Council;
- (r) “Member” means a member of Council, including the Chair;
- (s) “Motion” means a proposal by a Member presented in a Meeting in accordance with the Rules of Procedure for the consideration of Council or Committee;

- (t) "Notice of Motion" means an oral notice at Council or a written notice received by the Clerk's Office advising Council that the Motion described therein will be brought at a future meeting of Council;
- (u) "Pecuniary Interest" means a direct or indirect pecuniary interest of a Member as defined in the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50;
- (v) "Procedural Motion" means any Motion concerning the manner or time of consideration of any matter before the Council, as opposed to the substance thereof, and includes, without limitation, the following:
  - (i) to extend the time of the meeting;
  - (ii) to refer;
  - (iii) to defer to a specific date;
  - (iv) to recess;
  - (v) to adjourn;
  - (vi) to move the question be put; or
  - (vii) to suspend the Rules of Procedure;
- (w) "Recorded Vote" means a written record of the name and vote of each Member who votes on a question and of each Member present who does not vote;
- (x) "Region" means the Regional Municipality of Niagara;
- (y) "Rules of Procedure" means the rules and procedures set out in this By-law for the calling, place and proceedings of the meetings of Council and its Committees;
- (z) "Special Meeting" means a meeting other than a regularly scheduled meeting, called pursuant to the Act or the provisions of this By-law;
- (aa) "Standing Committee" means a Committee established by Council, composed entirely of members of Council, to carry out duties on an ongoing basis, as specified by Council; and
- (bb) "Substantive Motion" means any Motion other than a Procedural Motion.

## **2. GENERAL**

- 2.1 The Rules of Procedure contained in this By-law shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business in Council.
- 2.2 The Rules of Procedure contained in this By-law shall be observed, with necessary modifications, in proceedings of all Committees.
- 2.3 All matters not specifically provided for in this By-law shall be decided by a Motion duly put and passed by a Majority vote.
- 2.4 In the absence of any statutory obligations, the Rules of Procedure may be temporarily suspended by Council by an affirmative vote of two-thirds of the Members present.
- 2.5 This By-law shall not be amended or repealed except by an affirmative vote of two-thirds of the Members present, but no such amendment or repeal may be considered at any meeting of Council unless notice of the proposed amendment or repeal has been given at a previous regular meeting of Council. The requirement to give notice shall not be waived.
- 2.6 If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

## **3. ROLE OF COUNCIL**

- 3.1 It is the role of Council:
  - (a) to represent the public and to consider the well-being and interests of the Region;
  - (b) to develop and evaluate the policies and programs of the Region;
  - (c) to determine which services the Region provides;
  - (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;

- (e) to ensure the accountability and transparency of the operations of the Region, including the activities of the senior management of the Region;
- (f) to maintain the financial integrity of the Region; and
- (g) to carry out the duties of Council under the Act or any other statute.

#### **4. ROLE OF THE CHAIR**

4.1 It is the role of the Chair:

- (a) to act as chief executive officer of the Region;
- (b) to preside over Council meetings so that its business can be carried out efficiently and effectively;
- (c) to provide leadership to Council;
- (d) without limiting clause (c), to provide information and recommendations to Council with respect to the role of Council described in clauses 3.1(d) and 3.1(e) of this By-law;
- (e) to represent the Region at official functions; and
- (f) to carry out the duties of the head of council under the Act and any other statute.

4.2 As chief executive officer of the Region, the Chair shall:

- (a) uphold and promote the purposes of the Region;
- (b) promote public involvement in the Region's activities;
- (c) act as the representative of the Region both within and outside Niagara Region, and promote the Region locally, nationally and internationally; and
- (d) participate in and foster activities that enhance the economic, social and environmental well-being of the Region and its residents.

4.3 It shall be the duty of the Chair, with respect to any meetings over which he or she presides, to:

- (a) preserve order and decide all questions of order, subject to appeal, and without argument or comment, state the rule applicable to any point of order if called upon to do so;
- (b) receive and submit to a vote all Motions presented by the members of Council or Committee, as the case may be, which do not contravene the Rules of Procedure;
- (c) announce the results of the vote on any Motions so presented;
- (d) decline to put to a vote Motions which are contrary to the Rules of Procedure or which are beyond the jurisdiction of Council;
- (e) enforce on all occasions the observance of order and decorum among the Members;
- (f) authenticate by his or her signature, when necessary, all by-laws, minutes and resolutions of Council or Committee;
- (g) adjourn the meeting when business is concluded;
- (h) adjourn the sitting without a question being put or suspend or recess the sitting for a time to be named if considered necessary;
- (i) represent and support Council, declaring its will and implicitly obeying its decisions in all things; and
- (j) perform other duties when directed to do so by resolution of Council.

4.4 The Chair shall be the chair of the Committee of the Whole meetings.

4.5 The Chair shall be a member of all Committees and shall have full privileges, including the right to vote at meetings thereof, but shall not be eligible to be the Committee Chair/Co-Chair or Committee Vice-Chair.

4.6 The Chair shall only vote in a Council meeting to break a tie vote.

4.7 In accordance with the Act, in each term, as soon after the commencement of the term as is reasonably possible, Council shall appoint by by-law, and in alphabetical order, each of the members of Council to serve as Acting Chair for designated periods of time, which periods shall insofar as is practicable, be of equal duration. The Acting Chair shall serve in circumstances where the Chair is absent or refuses to

act or the office is vacant and while so acting in the place and stead of the Chair, such Member shall have all powers and duties of the Chair.

**5. REGULAR MEETINGS OF COUNCIL AND COMMITTEE OF THE WHOLE**

- 5.1 All meetings of Council and Committee of the Whole shall be held in the Council Chambers at 2201 St. David's Road, Thorold, according to the schedule to be set annually and approved by Council, or at such other time or place as may be designated by Council from time to time.
- 5.2 Regular meetings of Council shall be held on a Thursday, commencing at 7:00 p.m. in Open Session.
- 5.3 All Closed Session items shall be discussed in Closed Session prior to the commencement of the Open Session at 7:00 p.m. In the event that the Closed Session cannot conclude prior to 7:00 p.m., Closed Session shall be recessed at 6:55 p.m., to be reconvened at an appropriate time following the agenda item "Delegations (related to Committee Reports)" or at a later time, as determined by members of Council.
- 5.4 The curfew for each regular meeting of Council is 11:00 p.m. The meeting shall stand adjourned at that curfew, unless the curfew is extended by an affirmative vote of two-thirds of the Members present.
- 5.5 Council may, by resolution, go into Committee of the Whole and the Chair shall chair the meeting and shall maintain order during the meeting.
- 5.6 The Rules of Procedure contained in this By-law shall be observed in the Committee of the Whole, with necessary modifications, except that:
  - (a) the number of times a Member may speak on any question shall not be limited; and
  - (b) a Motion to adjourn shall not be permitted, except when meeting apart from a regular Council Meeting.
- 5.7 The proceedings of the Committee of the Whole, when held as part of the proceedings at a Council Meeting, shall be reported by the Chair of Committee of the Whole as soon as the Committee of the Whole rises.
- 5.8 The report of the Committee of the Whole, when held apart from a regular Council Meeting, shall be treated in the same manner as a Committee report when being considered by Council.

- 5.9 The Committee of the Whole may meet at such times as Council decides from time to time.

## **6. SPECIAL MEETINGS**

- 6.1 Upon notice as set out in Section 6.2, the Chair may at any time call a Special Meeting of Council and upon receipt of a petition of the majority of the Members, the Clerk shall call a Special Meeting of Council for the purpose and at the time and place set out in the petition.
- 6.2 The Clerk shall provide all Members with notice of a Special Meeting at least forty-eight (48) hours before the time appointed for such meeting by personal delivery, facsimile, e-mail or other electronic means to the Member's residence or office, or by contacting the Member by telephone.
- 6.3 No business may be transacted at a Special Meeting of Council other than that specified in the notice or agenda.
- 6.4 The lack of receipt of a notice of, or an agenda for, a Special Meeting by any Member shall not affect the validity of the Special Meeting or any action taken thereat.

## **7. EMERGENCY MEETINGS**

- 7.1 Notwithstanding any other provision of this By-law, an Emergency Meeting of Council may be called by the Chair without written notice to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk to notify the Members about the meeting as soon as possible and in the most expedient manner available.
- 7.2 The only business to be dealt with at an Emergency Meeting shall be business dealing directly with the emergency or extraordinary situation.
- 7.3 The lack of receipt of a notice of, or an agenda for, an Emergency Meeting by any Member shall not affect the validity of the Emergency Meeting or any action taken thereat.

## **8. QUORUM**

- 8.1 A majority of Members representing at least one-half of the Area Municipalities is necessary to form a quorum of Council and Committee of the Whole.

- 8.2 As soon as there is a quorum after the time set for the Meeting, the Chair shall call the meeting to order.
- 8.3 If a quorum is still not present within thirty (30) minutes after the time set for the Meeting, then the Clerk shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next Meeting.
- 8.4 If a quorum is lost during a Meeting and is not regained within fifteen (15) minutes, the Meeting shall stand adjourned until the next Meeting.
- 8.5 The quorum of all Committees, except for Committee of the Whole, shall be as set out in Sections 22. **10** and 22. **11**.
- 8.5 Where the number of Members who, by reason of the provisions of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, are disabled from participating in a meeting, is such that at that meeting the remaining Members are not of sufficient number to constitute a quorum, then the remaining number of Members shall be deemed to constitute a quorum, provided such number is not less than two (2).

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## **9. PUBLIC ACCESS TO MEETINGS**

- 9.1 Except as otherwise provided in this Section, all Meetings shall be open to the public.
- 9.2 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 Region;
  - (b) personal matters about an identifiable individual, including Regional employees;
  - (c) a proposed or pending acquisition or disposition of land by the Region;
  - (d) labour relations or employee negotiations;
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the Region;
  - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another act.
- 9.3 A Meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, if Council is designated as head of the institution for the purposes of that act.
- 9.4 A Meeting of Council or of a Committee may be closed to the public if the following conditions are both satisfied:
- (a) The meeting is held for the purpose of educating or training the Members.
  - (b) At the meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council or Committee.
- 9.5 Before holding a Meeting or part of a Meeting that is to be closed to the public, Council or Committee shall state by resolution:
- (a) the fact of the holding of the Closed Session and the general nature of the matter to be considered at the Closed Session; or
  - (b) in the case of a meeting under Section 9.4, the fact of the holding of the Closed Session, the general nature of its subject-matter and that it is to be closed under that Section.
- 9.6 A Meeting shall not be closed to the public during the taking of a vote except where:
- (a) the provisions of this By-law or the Act permit or require the 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 Region or persons retained by or under a contract with the Region.
- 9.7 All deliberations while in Closed Session shall remain confidential unless otherwise agreed upon by a Majority vote of Council. Only the final results of deliberations may be made public when such disclosure is authorized by Council.

## **10. PUBLIC NOTICE OF MEETINGS**

10.1 The Clerk shall provide public notice of all meetings of Council and Committee by posting a notice on the website of the Region which includes the place, date and time of the Meeting and the Meeting agenda.

## 11. **COUNCIL AGENDA**

11.1 The Clerk shall prepare the agenda for all regular meetings of Council. The order of proceedings shall be as follows, or as otherwise determined by the Clerk:

- (a) Call to Order;
- (b) Committee of the Whole, Closed Session;
- (c) Invocation;
- (d) Singing of 'O Canada';
- (e) Adoption of Agenda:
  - (i) Addition of Items;
  - (ii) Changes in Order of Items;
  - (iii) Disclosures of Pecuniary Interest;
- (f) Presentations;
- (g) Chair's Reports, Announcements, Remarks;
- (h) Adoption of Minutes of Previous Meeting(s);
- (i) Correspondence, Petitions:
  - (i) Receive and/or Refer to Staff;
  - (ii) For Consideration;
- (j) Resolutions from Other Municipalities;
- (k) Delegations (related to Committee Reports);
- (l) Agencies, Boards and Commissions;
- (m) Committee Reports;

- (n) Chief Administrative Officer's Reports;
- (o) Motions;
- (p) Notices of Motion;
- (q) Other Business;
- (r) By-laws;
- (s) Confirming By-law; and
- (t) Adjournment.

11.2 The business of each Meeting shall be dealt with in the order in which it stands in the agenda, unless otherwise decided by a Majority vote of the Members present.

11.3 All reports, notices, Motions and any other material to be included in the agenda for a regular Council meeting shall be delivered in writing or electronically to the Clerk, by noon on the preceding Friday of that regular Council meeting.

11.4 Every item of correspondence, petition, report and other written material intended to be presented to Council shall be legibly written or printed and shall be signed by at least one person. The Clerk may submit such written communication to Council in summary form.

11.5 The Clerk shall distribute the agenda for each regular Council meeting to every Member by mail, personal delivery, facsimile, e-mail or other electronic means, not less than seventy-two (72) hours before the scheduled meeting.

## **12. DISCLOSURE OF PECUNIARY INTEREST**

12.1 In accordance with the *Municipal Conflict of Interest Act*, where a Member has any Pecuniary Interest in any matter and is present at a Council meeting or Committee meeting at which the matter is the subject of consideration, the Member shall:

- (a) prior to any consideration of the matter at the Meeting, disclose the interest and the general nature thereof;
- (b) not take part in the discussion of, or vote on, any question in respect of the matter; and

- (c) not attempt in any way, whether before, during or after the Meeting, to influence the voting on any such question.
- 12.2 Where a meeting is not open to the public, in addition to complying with the requirements set out above, the Member shall forthwith leave the meeting for that part during which the matter is under consideration.
- 12.3 Where the interest of a Member has not been disclosed by reason of his or her absence from the particular Meeting, the Member shall disclose his or her interest at the next Meeting at which such Member attends.
- 12.4 The Clerk shall record in reasonable detail the particulars of any disclosure of Pecuniary Interest made by members of Council or Committees, as the case may be, and any such record shall appear in the minutes of that particular Meeting of Council or of Committee.

### **13. DELEGATIONS AND PRESENTATIONS**

- 13.1 Any person, group of persons or organization wishing to address a Standing Committee or Council regarding a matter may be heard by leave of Committee or Council, upon a written request to the Clerk at least five (5) days before the date and time of the meeting of Committee or Council.
- 13.2 Written notice from a delegation shall include the person's name, address, telephone number, reasons for the delegation, including the specific nature of their presentation, and if applicable, the name, address and telephone number of any person(s) or organization which he or she represents. In addition, a written brief outlining the specific nature of the presentation shall be provided to the Clerk. The brief will form part of the official record of the proceedings of Committee and/or Council and therefore will be considered to be a public document.
- 13.3 Depending on the matter, delegations may be encouraged by the Clerk to appear before the appropriate Standing Committee prior to appearing before Council.
- 13.4 Upon receipt of the written notice requesting delegation status, the Clerk shall list the delegation on the next appropriate Standing Committee meeting agenda. When the request has been made for a delegation to a meeting of Council, the delegation may be listed on the agenda for the Council meeting only if:

- (a) the matter is one which is to be dealt with by the Council at its next regular meeting and, at the date of the request, it is not anticipated that the matter will be dealt with at Standing Committee; or
  - (b) the matter is one which is subject to a legal requirement to appear before Council; or
  - (c) the listing of the delegation to Council is approved by the Chair.
- 13.5 The Clerk, in collaboration with the Committee Chair/Co-Chair or Chair, may refuse to hear a delegation if it is deemed that the topic of the delegation is beyond the jurisdiction of the Region, contrary to Regional policies or contrary to the public interest.
- 13.6 In the case of extenuating circumstances, Standing Committee or Council may, by a Majority vote, permit a person to appear as a delegation who does not appear on the agenda.
- 13.7 Delegations shall be limited to a presentation of not more than ten (10) minutes, unless otherwise determined by the Committee Chair/Co-Chair or Chair. A delegation of more than five (5) persons, representing a group or organization, shall be limited to two (2) speakers, permitted to speak not more than ten (10) minutes each. Only new information is to be presented by successive speakers of such delegation.
- 13.8 Delegations concerning labour relations, union negotiations and employee relations will not be heard at Standing Committee or Council meetings. All signed written submissions received by the Clerk concerning these matters shall be referred to the Chief Administrative Officer of the Region.
- 13.9 Presentations, for the purposes of Sections 13.9 and 13.10, are defined as visual presentations given by an agency, board, commission or staff, and shall be limited to:
- (a) Council business related to services provided by the Region, and programs, policies and practices of the Region;
  - (b) Council-sponsored awards;
  - (c) Corporate Employee Recognition Team (CERT); and
  - (d) recognition of staff or Councillor accomplishments at the provincial, national or international level.

13.10 Presentations, as defined in Section 13.9, shall be limited to not more than two (2) per Council meeting.

#### **14. MINUTES OF MEETINGS**

14.1 The minutes of every Meeting, whether it is closed to the public or not, shall be recorded by the Clerk, in the case of meetings of Council, or appropriate officer, in the case of meetings of Committee. For the purposes of this Section 14.1, "Clerk" means the Clerk, Deputy Clerk or designate.

14.2 The minutes of all meetings of Council and Committees shall record:

- (a) the place, date and time of meeting;
- (b) the name of the presiding officer and the record of the attendance of the Members, which shall indicate reasons for any absences, if known; and the name of the recording secretary and senior staff present; and
- (c) without note or comment, all resolutions, decisions and other proceedings of the meeting.

14.3 The Members shall inform the Clerk's office of all planned absences, late arrivals and early departures from Council meetings in order that the recording of such and the related reasons may be accurately reflected in the minutes.

14.4 The minutes of each Council meeting shall be presented to Council at the next regular meeting for approval.

14.5 After the Council minutes have been approved by Council, they shall be signed by the Chair and the Clerk.

14.6 The Committee report of each Committee meeting shall be presented to Council at the next regular Council meeting for consideration and adoption of Committee recommendations contained in it.

14.7 Recordings of Meetings shall be retained in accordance with the Region's Records Retention By-law.

## 15. CODE OF CONDUCT

15.1 A code of conduct setting out general standards for acceptable conduct by Members in performance of their public duties is set out in Appendix "A" to this By-law.

## 16. RULES OF DEBATE

16.1 Any Member who wishes to speak must raise his or her hand and be recognized by the Chair. Once recognized, the Member, if able, shall stand to speak to the matter.

16.2 When two (2) or more Members raise their hands, the Chair shall designate the order in which they may speak.

16.3 No Member may speak more than once on the same matter without leave of the Council, except in explanation of a material part of that Member's remarks which may have been misunderstood, and in doing so, that Member shall not introduce any new matter. A reply shall be allowed to a Member who has made a Substantive Motion.

16.4 No Member may speak to the same question or in reply for any longer than ten (10) minutes, without leave of the Council.

16.5 When a Member is speaking, no other Member shall pass between that Member and the Chair or interrupt that Member except to raise a point of order.

16.6 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.

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16.7 When the minutes of a Standing Committee meeting are presented to Council, the Committee ***Co-Chairs, Chairs or Vice Chairs*** shall have the first opportunity to speak to the matters included and may explain the basis for the Standing Committee's recommendations.

## 17. POINTS OF PRIVILEGE AND ORDER

17.1 When a Member believes that his or her rights, privileges or integrity, or those of the Members collectively have been prejudicially affected, that Member may ask leave of the Chair to raise a question of privilege and after

leave is granted, the Member shall state the point of privilege to the Chair and the point of privilege shall be immediately decided by the Chair.

- 17.2 When a Member desires to call attention to a deviation or departure from the Rules of Procedure, that Member shall ask leave of the Chair to raise a point of order and after leave is granted, the Member shall state the point of order to the Chair and the point of order shall be immediately decided by the Chair.
- 17.3 It shall be the duty of the Chair to decide all points of privilege and order and, if called upon to do so, to state the rule applicable to any point of order, practice or procedure. The Chair's ruling on a point of order shall be made without debate and shall be final subject only to an immediate appeal from such ruling by a Member.
- 17.4 In the case of an immediate appeal by a Member from the decision of the Chair on a point of order, practice or procedure, such Member shall state the grounds for the appeal and such appeal must be decided, without debate, by the concurring votes of a majority of Members present.
- 17.5 When the Chair calls a Member to order, that Member shall cease speaking until the point of order is dealt with and that Member shall not speak again to the matter under discussion, without the permission of the Chair, unless to appeal the ruling of the Chair.
- 17.6 When the Chair considers that the integrity of the Chief Administrative Officer or a member of the staff has been impugned or questioned, the Chair may permit the Chief Administrative Officer or other staff member present to make a statement to the Council.

## **18. NOTICES OF MOTION**

- 18.1 Except as otherwise provided in this By-law, all notices of Motion shall be:
  - (a) presented at a meeting of Council, but shall not be debated until the next regular meeting of Council; or
  - (b) delivered to the Clerk not less than seven (7) days prior to the date of the Meeting at which the Motion is to be introduced.
- 18.2 A Motion may be introduced without notice if Council, without debate, dispenses with the requirement for notice on the affirmative vote of two-thirds of the Members present.

## 19. MOTIONS

19.1 A Motion may only be considered if written notice thereof was distributed with the agenda for the Meeting at which the Motion is considered, unless:

- (a) the Motion is for Council to adopt a report of a Committee, which report was distributed with the agenda for the Council meeting, in which case the presence of the report constitutes written notice of the adopting Motion; or
- (b) the Motion is to:
  - (i) refer;
  - (ii) divide a question into two or more proposals and take a separate vote on each proposal;
  - (iii) decide a procedural matter not provided for in this By-law;
  - (iv) defer;
  - (v) recess;
  - (vi) adjourn;
  - (vii) suspend the Rules of Procedure;
  - (viii) decide an appeal on a point of order, practice or procedure; or
  - (ix) amend a Motion.

19.2 Notwithstanding Section 19.1, a Motion which relates to an expenditure of \$1,000,000 or more may only be considered if written notice thereof and a written staff report thereon were distributed not less than twenty-four (24) hours prior to the time of the Meeting.

19.3 Motions shall be moved and seconded before being debated or put to a vote.

19.4 After a Motion has been read or stated by the Chair, it shall be deemed to be in the possession of Council, but may, with the permission of Council, be withdrawn by the originator at any time before a decision or amendment.

***Amended by  
By-law  
109-2009***

19.5 A Motion shall be decided without debate or amendment if it is to:

- (a) refer or defer;
- (b) divide a question into two or more proposals and take a separate vote on each proposal;
- (c) adjourn; or
- (d) extend curfew;

provided that where a matter that is subject to a Motion to refer is a recommendation of a Standing Committee, the **Co-Chair, Chair or Vice Chair** of that Committee may address matters raised in the Motion to refer, prior to a vote on the Motion.

19.6 The priority of Motions, in declining order, is set out as follows. Each matter or Motion takes precedence over those that are below it in this list (i.e. if moved, it must be decided before others ranking below it):

- (a) refer;
- (b) divide a question into two or more proposals and take a separate vote on each proposal;
- (c) decide a procedural matter not provided for in this By-law;
- (d) defer;
- (e) adjourn;
- (f) suspend the Rules of Procedure;
- (g) decide an appeal on a point of order, practice or procedure;
- (h) amend a Motion.

All other Motions not listed above are of lower priority and are of equal priority among them.

19.7 Consideration of a Motion may be interrupted by consideration of a Motion with higher priority.

19.8 When a Motion is under debate, no other Motion shall be in order except a Motion to amend.

19.9 **Motion to Adjourn**

- (a) A Motion to adjourn:
  - (i) is not debatable;
  - (ii) is not amendable;
  - (iii) shall not include qualifications or additional statements; and

- (iv) is always in order, except when a Member is speaking, when the Members are voting or when made in Committee of the Whole.
- (b) When a Motion to adjourn has been decided in the negative, no further Motion to adjourn shall be made until Council has conducted further proceedings.

#### 19.10 **Motion to Amend**

- (a) A Motion to amend:
  - (i) shall be relevant to the main Motion;
  - (ii) shall not be received if in direct opposition to the main Motion;
  - (iii) is debatable; and
  - (iv) is amendable, however, an amendment to the amendment is not.
- (b) Only one Motion to amend an amendment to the question shall be allowed at one time and any further amendment must be to the main question.
- (c) Voting on the main Motion and amending Motions shall be conducted in the following order:
  - (i) a Motion to amend a Motion to amend the main Motion;
  - (ii) a Motion (as amended or not) to amend the main Motion; and
  - (iii) the main Motion (as amended or not).

#### 19.11 **Motion to Refer**

- (a) A Motion to refer a matter under consideration back to a Committee or other body:
  - (i) is not debatable, except when instructions are included, in which case only the instructions shall be debatable;
  - (ii) is amendable with respect to the Committee or other body to which the matter is to be referred and the instructions to the Committee or other body; and
  - (iii) shall take precedence over all amendments or debate of the original Motion until it is decided.
- (b) A Motion to refer a matter shall specify the Committee or other body to whom the matter is being referred and may contain instructions from Council.

- (c) A Motion to refer a matter may only be moved by a Member who has not yet spoken on the matter (except to give the reason(s) for the Motion to refer) unless every Member who wishes to speak on the matter has had an opportunity to do so.

#### **19.12 Motion to Extend Curfew**

- (a) A Motion to extend curfew beyond the hour of 11:00 p.m.:
  - (i) is not amendable;
  - (ii) is not debatable; and
  - (iii) is always in order, except when a Member is speaking or when the Members are voting.
- (b) A Motion to extend curfew requires an affirmative vote of two-thirds of the Members present.

#### **19.13 Motion to Defer**

- (a) A Motion to defer a matter under consideration:
  - (i) is not amendable;
  - (ii) is not debatable;
  - (iii) is always in order, except when a Member is speaking or when the Members are voting; and
  - (iv) shall specify a date at which time the matter will again be considered by Council.

#### **19.14 Motion to Rise With/Without Report**

- (a) A Motion to rise and report shall be decided without debate.
- (b) A Motion to rise without report:
  - (i) is always in order;
  - (ii) takes precedence over any other Motion; and
  - (iii) is debatable.

#### **19.15 Motion to Divide the Question**

- (a) When a Motion under consideration contains distinct propositions, each of which is capable of standing as a complete proposition if the other(s) are removed, the parts can be separated to be considered and voted on as if they were distinct questions, upon adoption of a

Motion to divide the question, and provided a Recorded Vote has not previously been called for, a vote on each proposition shall be taken separately.

- (b) A Motion to divide the question:
  - (i) is not amendable; and
  - (ii) is not debatable.

#### **19.16 Motion to Reconsider**

- (a) At any regular Council Meeting, after a matter has been decided by Council, a Member who voted in the majority may present a Notice of Motion to reconsider the matter. Such Notice of Motion shall be referred to the next available Meeting of Council and shall be included on the agenda under "Motions".
- (b) Actions of Council that cannot be reversed or suspended cannot be reconsidered.
- (c) Before accepting a Notice of Motion to reconsider, the Chair may ask the Member to confirm that he/she voted with the majority on the issue in question.
- (d) A Motion to reconsider a decided matter shall require the approval of at least two-thirds of Council present.
- (e) No decided matter may be reconsidered more than once, nor shall a Motion to reconsider be reconsidered.
- (f) No debate on a Motion to reconsider shall be permitted, however, the mover of a Motion to reconsider may provide or may make a brief and concise statement outlining the reasons for proposing such reconsideration.
- (g) If a Motion to reconsider is decided in the affirmative at a Meeting, then consideration of the original decided matter may become the next order of business or may be referred to a subsequent meeting.

#### **19.17 Motion to Recess**

- (a) A "recess" is a short intermission in the meeting's proceedings which does not close the meeting, and after which business will immediately be resumed at exactly the point where it was interrupted.

- (b) A Motion to recess:
  - (i) is not debatable;
  - (ii) is amendable as to the length of the recess; any such amendment is not debatable; and
  - (iii) requires a Majority vote.

## **20. VOTING PROCEDURES**

- 20.1 A Motion shall be put to a vote by the Chair immediately after all Members desiring to speak on the Motion have spoken in accordance with the Rules of Procedure.
- 20.2 Unless otherwise provided in the By-law or requested by the Chair, a vote may be by voice, show of hands, standing or otherwise.
- 20.3 Unless otherwise provided in the By-law, every Member shall have one (1) vote.
- 20.4 Except for the election of the Chair, no vote shall be taken by ballot or by any other method of secret voting.
- 20.5 Except as otherwise required under the Act, any other statute or this By-law, all Motions, resolutions and by-laws shall be carried, passed and enacted, as the case may be, by a Majority vote.
- 20.6 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.
- 20.7 No Member shall leave his or her seat or make any noise or disturbance while a vote is being taken until the vote is declared.
- 20.8 Unless otherwise provided in the By-law, when a question or Motion is put to a vote, every Member present at a Council meeting shall vote thereon, except where the Member is disqualified from voting by reason of a declared Pecuniary Interest or is absent from the Council Chambers when the question or Motion is put to a vote.
- 20.9 Every Member who is not disqualified from voting by reason of a declared Pecuniary Interest shall be deemed to vote against the Motion if the Member declines or abstains from voting.

- 20.10 A Member present at the time of a vote may call for a Recorded Vote immediately before or after the taking of the vote.
- 20.11 Unless otherwise provided in the By-law, each Member present, except a Member who is disqualified from voting by reason of a declared Pecuniary Interest, shall announce his or her vote openly and the Clerk shall record each vote.
- 20.12 When a Recorded Vote is taken, the names of those who voted for and those who voted against the Motion shall be entered in the minutes.
- 20.13 The Chair shall announce the result of every vote. If all of the Members present when a vote is taken vote unanimously, the Chair shall announce the vote accordingly.
- 20.14 If a Member doubts the result of a vote as announced by the Chair, that Member may object immediately to the Chair's declaration and, upon the affirmative vote of the Majority of the Members present, the vote shall be re-taken.
- 20.15 Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any act.
- 20.16 Notwithstanding Section 20.15, the Chair shall vote to break a tie vote at Council.
- 20.17 In a vote, the number of Members constituting the Council shall be determined by excluding the number of Members who are present at the Meeting but who are disqualified from voting by reason of a declared Pecuniary Interest.

## **21. ENACTMENT OF BY-LAWS**

- 21.1 Every by-law shall receive one (1) reading before being enacted by the Council.
- 21.2 A Motion to amend a by-law shall be introduced after the first reading.
- 21.3 Every by-law enacted by Council shall be signed by the Chair and the Clerk, numbered and sealed with the seal of the Corporation.
- 21.4 No by-law, except a by-law to confirm the proceedings of Council, shall be presented to Council unless its subject matter has been considered and approved by Council.

21.5 The proceedings of every meeting of Council shall be confirmed by by-law so that every resolution and decision of Council passed at that meeting shall have the same force and effect as if each and every one of them had been the subject of a separate by-law duly enacted.

## **22. COMMITTEES**

22.1 All meetings of Standing Committees shall be held in the Committee Rooms at 2201 St. David's Road, Thorold.

22.2 Standing Committees shall meet according to the schedule set annually and approved by Council.

22.3 The days and times of the regular meetings of the Standing Committees shall be set at the first meeting of the Standing Committee after a regular election. The first meeting shall be held at the day and time previously established by Council.

22.4 Except as otherwise provided for by the Act or any other statute, Committees may, by resolution, dispense with or alter the time, day and place of any meeting.

*Amended by  
By-law  
109-2009*

22.5 A special meeting of a Committee shall be called by the Clerk upon the request of the Committee **Co-Chair, Chair or Vice Chair** or upon the written request of a majority of the members of that Committee or, in the absence of the Committee **Co-Chair, Chair or Vice Chair**, upon the request of the Chair.

*Amended by  
By-law  
109-2009*

22.6 The Co-Chairs of the following Standing Committee shall be aligned to a respective Department Commissioner as follows:

Public Health and Social Services Committee shall have two (2) Co-Chairs – one (1) aligned to the Public Health Department and one (1) aligned to the Community Services Department;

Corporate Services Committee shall have two (2) Co-Chairs.

*Added by  
By-law  
109-2009*

**22.7 *The Integrated Community Planning Committee and Public Works Committee shall be chaired, by a Chair and Vice Chair.***

*Amended by  
By-law  
109-2009*

**22.8** The **Co-Chairs/Chair and Vice Chair** of each Standing Committee shall be selected by its members.

*Amended by  
By-law  
109-2009*

22.9 The term of the **Co-Chairs/Chair and Vice Chair** shall be for one (1) year.

*Amended by  
By-law  
109-2009*

22.10 Unless otherwise provided in the By-law, the quorum of all Committees shall be a majority of its members.

*Amended by  
By-law  
109-2009*

22.11 Despite Section 22.10, if proper notice of the meeting has been given, and if the **Co-Chair, Chair or Vice Chair** of the Standing Committee provides a reason, then the **Co-Chair, Chair or Vice Chair** may reduce the ordinary quorum for a Standing Committee meeting or a portion of that meeting, provided that the minutes of the meeting record the lack of ordinary quorum. In no event shall quorum be reduced to less than two (2) Members.

*Amended by  
By-law  
109-2009*

22.12 The Rules of Procedure contained in this By-law shall be observed in Committee meetings, with necessary modifications, except that:

- (a) the number of times a Member may speak on any question shall not be limited;
- (b) the length of time a Member may speak on any question shall not be limited;
- (c) written Notices of Motion are not required; and
- (d) Members shall not be required to stand to speak.

*Amended by  
By-law  
109-2009*

22.13 Every staff report shall be referred by the relevant Department Commissioner to the Chief Administrative Officer or designate for his or her review, approval and signature, prior to being included in a Committee agenda.

*Amended by  
By-law  
109-2009*

22.14 The Committee **Co-Chairs, Chair and Vice Chairs** and staff may have a pre-committee meeting to review the agenda prior to a Standing Committee meeting to ensure the appropriate placement of items on the agenda; to provide appropriate timing for presentations; and to ensure an effective meeting.

*Amended by  
By-law  
109-2009*

22.15 The Clerk shall forward the agenda for every Standing Committee meeting to all Members.

- Amended by  
By-law  
109-2009** 22.16 A Member who is not a member of a Standing Committee may attend the meetings of that Committee.
- Amended by  
By-law  
109-2009** 22.17 With the consent of the **Co-Chair, Chair or Vice Chair** of the Standing Committee, a Member who is not a member of the Committee may speak and participate at a meeting of the Committee, but such Member has no vote on the Committee.
- Amended by  
By-law  
109-2009** 22.18 Joint reports may be presented to two (2) or more Standing Committees as an item to be received by each Committee for debate and decision to recommend, to recommend with amendments or to not recommend.
- Amended by  
By-law  
109-2009** 22.19 When Standing Committee recommendations on a joint report are the same, then the Clerk's Office will list all such reports en bloc to present to Council for final determination.
- Amended by  
By-law  
109-2009** 22.20 At Council, a Member may request that an item relating to a joint report be lifted for separate consideration provided that it is supported by an affirmative vote of the Majority of the Members present at Council.
- Amended by  
By-law  
109-2009** 22.21 When Standing Committee decisions on a joint report have differing recommendations then each Committee **Co-Chair, Chair or Vice Chair** shall provide a report on the Committee's decision at Council, for debate and decision.
- Amended by  
By-law  
109-2009** 22.22 Where two (2) or more Standing Committees meet in a joint session, the **Co-Chairs, Chair or Vice Chairs** of the Standing Committees shall sit as **Co-Chairs, Chairs or Vice Chairs** at the joint session, unless there is agreement that one chair is sufficient.
- Amended by  
By-law  
109-2009** 22.23 Where two (2) or more Standing Committees meet in a joint session and a resolution is passed at the joint session, the resolution is deemed to be a resolution of each Standing Committee, provided a quorum of each Standing Committee is present at the joint session.
- Amended by  
By-law  
109-2009** 22.24 The Clerk shall make the agenda of every Advisory Committee meeting available in the Clerk's Library for all Members.
- Amended by  
By-law  
109-2009** 22.25 Advisory Committees shall consider and report on such matters only as have been referred to them by Council, their respective Standing Committee or such matters as come within their terms of reference.

- Amended by  
By-law  
109-2009**      22.26 The minutes of Advisory Committee meetings may be recorded by a secretary designated by the Clerk, by the senior staff member present or by a staff member under the authority of the latter.
- Amended by  
By-law  
109-2009**      22.27 The minutes of Advisory Committee meetings shall include sufficient detail where action items are referred to Council (including a list of alternatives considered and costs for any action items) to enable Council to be reasonably conversant with the action required and the deliberations which resulted in the recommendations.
- Amended by  
By-law  
109-2009**      22.28 All recommendations and requests of an Advisory Committee shall be directed to its respective Standing Committee.
- Amended by  
By-law  
109-2009**      22.29 Every Committee is advisory to Council unless otherwise stated in the terms of reference, by-law or resolution governing the Committee.
- Amended by  
By-law  
109-2009**      22.30 No Committee has the power to pledge the credit of the Region, to commit the Region to any particular action or to give specific direction to any staff member, unless specifically granted such power in the terms of reference, by-law or resolution governing such Committee.

**23. TEMPORARY VACANCIES**

- 23.1 Except for the Chair, if a Member who is also a member of the council of an Area Municipality is unable to act as a member of either council for a period exceeding one (1) month, the council of the Area Municipality may appoint one of its members as an alternate member of Council to act in place of the Member until the Member is able to resume acting as a member of both councils.
- 23.2 The clerk of the Area Municipality shall certify in writing to the Clerk that the council of the Area Municipality has appointed the named member of that area municipal council to act at Council as an alternate member.
- 23.3 Such alternate member shall not take a seat on Council until he or she takes the declaration of office as required by the Act.
- 23.4 Such alternate member shall be deemed to be a member of Council for the designated meeting(s) and may vote at the meetings provided that the member for whom the alternate is acting remains absent from the meeting.

## **24. POST-ELECTION PROCEDURE**

- 24.1 The inaugural meeting of Council following a regular election shall be held after the councils of the Area Municipalities have held their first meetings but, in any event, not later than 31 days after the term of Council commences.
- 24.2 The Clerk shall call the inaugural meeting at such time and place as may be appropriate.
- 24.3 The Clerk shall preside at the inaugural meeting until the Chair is elected and has taken the required declaration of office.
- 24.4 No business shall be conducted at the inaugural meeting until after the declarations of office have been made by all Members attending, and the Chair has been elected.
- 24.5 At the inaugural meeting, each person who has been elected to Council is entitled to speak and participate and to have one vote.
- 24.6 Following the declarations of office, the principal business of the inaugural meeting shall be:
  - a) the election of the Chair;
  - b) the establishment of the size of each Standing Committee of Council; and
  - c) the appointment of Councillors to Standing and Advisory Committees of Council.
- 24.7 Prior to the inaugural meeting, each person who has been elected to Council shall submit to the Clerk his or her preferences for the Standing and Advisory Committees of Council (including agencies, boards and commissions) upon which he or she wishes to serve.
- 24.8 If the number of Members wishing to serve on any Standing or Advisory Committee of Council (including agencies, boards and commissions) is greater than the number of positions available, then the selection shall be conducted by open ballot.
- 24.9 Each Member shall serve on at least one (1) Standing Committee.



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CHAIR

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REGIONAL CLERK

## **APPENDIX “A” CODE OF CONDUCT FOR MEMBERS OF COUNCIL**

### **PREAMBLE**

A written Code of Conduct helps to ensure that the members of Regional Council share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. These standards should serve to enhance public confidence that Regional Municipality of Niagara’s elected representatives operate from a base of integrity, justice and courtesy.

The Regional Municipality of Niagara, Regional Council Code of Conduct is a general standard that augments the provincial laws and Regional by-laws that govern their conduct. It is not intended to replace personal ethics.

### **GENERAL**

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

### **GIFTS AND BENEFITS**

Members shall not accept fees, gifts, hospitality or personal benefits that are connected directly or indirectly with the performance of duties as Regional Councillors, except compensation authorized by law.

This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of office.

No Member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to Regional services not otherwise available to the general public and not consequent to his or her official duties.

### **CONFIDENTIALITY**

All information, documentation or deliberation received, reviewed or taken in Closed Session of Regional Council and its Committees are confidential.

Member shall not disclose or release by any means to any member of the public either by verbal or written form any confidential information acquired by virtue of their office, except when required by law to do so.

Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential.

## Appendix "B" - Motions Table

MOTION	P R I O R I T Y *	Debatable		Amendable	Non-Amendable	Always in order except when a Member is speaking, Members are voting or when made in a Committee of the Whole	NOTES
		Debatable	Non-Debatable				
Adjourn	5		X		X	X	If decided in the negative, no further motion shall be made until after some subsequent proceeding has taken place
Amend a pending motion	8	X		X Not more than once			- Must be relevant to the main motion and not in direct opposition to the main motion - a motion to amend and the amendment to a motion shall be voted on prior to voting on the original amendment - shall be voted on in the following order: a motion to amend a motion to amend the main motion; a motion (as amended or not) to amend the main Motion; and the main Motion (as amended or not).
Decide a procedural matter not provided for in these rules	3						
Decide an appeal on a point of order, practice or procedure	7						
Defer	4		X		X	X	shall indicate a future date during which the matter will be further considered.
Divide a question	2		X		X		
Extend Curfew			X		X	X	
Recess			X	X Only as to the length of the recess			
Refer	1		X	X			Must specify person, Committee, group, or body to which the matter is being referred and may contain instructions from Regional Council/Committee
Rise without report		X					Always in order and takes precedence over any other motion
Rise with report			X				
Suspend these rules	6						

\* Any motion that is not given a priority is of equal priority among themselves, following those with ranking.

## Appendix "C" – Council / Committee Differences

ISSUE	IN COUNCIL	IN COMMITTEE	IN COMMITTEE OF THE WHOLE
Motions - Making	Motions must be in writing, unless Regional Council, dispense with notice on the affirmative vote of at least two-thirds of the members present	Motions may be in writing or oral	Same as "in Committee"
Quorum	a majority of members representing at least one-half of the lower-tier municipalities is necessary to form a quorum; and may reduce its quorum requirement but may not reduce it to less than a majority of its members	a) ordinarily quorum is majority of its members; b) if proper notice of a meeting has been given, and if the Chair of the Standing Committee gives a reason, then the said Chair may reduce the ordinary quorum for that meeting or a portion of that meeting, provided that the minutes of the meeting record the lack of ordinary quorum.	a majority of members representing at least one-half of the lower-tier municipalities is necessary to form a quorum; and may reduce its quorum requirement but may not reduce it to less than a majority of its members
Recorded vote	Allowed	Allowed	Allowed
Member speaking - length of time	10 minutes, unless permitted by Regional Council by concurring votes of majority	No limitation	No limitation
Member speaking - number of times	Once, per issue unless permitted by Regional Council by concurring votes of majority	No limitation	No limitation
Member speaking - manner	If able, may stand	May be seated	May be seated
Motion to Adjourn	Allowed	Allowed	Not Permitted (except when meeting apart from Regional Council)