

COUNCIL

Chapter 25 PROCEDURE

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**Article 1
INTERPRETATION**

25.1.1 City - defined

“City” means the City of Kitchener.

25.1.2 Clerk - defined

“Clerk” means the Clerk of the City of Kitchener. By-law 93-117, 21 June, 1993.

25.1.2.1 Committee - defined

“committee” means any advisory or other committee, subcommittee or similar entity composed of members of one or more councils. By-law 95-42, 27 March, 1995.

25.1.3 Committee Chair - defined

“Committee Chair” means Chair of any committee of the Council.

25.1.4 Committee of the Whole - defined

“Committee of the Whole” means all the members present sitting in committee.

25.1.5 Council - defined

“Council” means the Council of the City of Kitchener. By-law 93-117, 21 June, 1993.

25.1.5.1 Local board - defined

“local board” means a local board as defined in the *Municipal Affairs Act*, except municipal police services boards, library boards and school boards.

25.1.5.2 Meeting - defined

“meeting” means any regular, special, committee or other meeting of Council. By-law 95-42, 27 March, 1995.

25.1.6 Member - defined

“member” means a councillor of the Council.

25.1.7 Motion (main) - defined

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

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

25.1.8 Motion to receive and file - defined

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

25.1.9 Motion (subsidiary) - defined

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

25.1.10 Notice of motion - defined

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

25.1.11 Personal privilege - defined

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

25.1.12 Point of information - defined

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

25.1.13 Point of order - defined

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

25.1.14 Point of procedure - defined

“point of procedure” means a question directed to the Mayor to obtain information on a matter of parliamentary law or the rules of Council relating to the business at hand, in order to assist a member to make an appropriate motion, raise a point of order, understand the parliamentary situation or the effect of a motion. By-law 93-117, 21 June, 1993.

25.1.14.1 Presentation - defined

“presentation” means information being provided verbally and may include the use of presentation medium such as PowerPoint, overheads, video, slide show etc. In addition, a presentation would include presenting awards or gifts to or from the City of Kitchener. By-law 2007-45, 26 February, 2007.

25.1.15 Public hearing - defined

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

25.1.16 Quorum - defined

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

25.1.17 Recorded vote - defined

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

25.1.18 Resolution - defined

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

25.1.19 Rules of procedure - defined

“rules of procedure” means the rules and regulations contained in this Chapter.

25.1.20 Special or joint meeting - defined

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

25.1.21 Special Purpose Committee - defined

“Special Purpose Committee” means any committee appointed by Council except Committee of the Whole and any Standing Committee.

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25.1.22 Standing Committee - defined

“Standing Committee” means such committees of Council designated by resolution of the Council.

25.1.23 Two-thirds vote - defined

“two-thirds vote” means the affirmative vote of at least two-thirds of the members present at a meeting and eligible to vote.

Article 2**RULES OF PROCEDURE
ADOPTED - SUSPENDED****25.2.1 Set out in Chapter - unprovided case - procedure**

The proceedings of the Council and its committees, the conduct of the members, and the calling of meetings will be governed by the rules and regulations contained in this Chapter and in unprovided cases, by the procedure contained in Robert’s Rules of Order.

25.2.2 Rules - suspended - two-thirds vote - whole Council

Notwithstanding Section 25.2.1, the rules and regulations contained in this Chapter may be suspended by a vote of two-thirds of the whole Council.

Article 3**DUTIES OF THE MAYOR****25.3.1 Set out**

It is the duty of the Mayor to preside at all meetings of Council and:

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

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

Article 4 CITY COUNCIL

25.4.1 Seating at Council table

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

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

25.4.2 Inaugural meeting

- (a) The inaugural meeting of the new Council following an election shall be held on the first Monday in December at 8 p.m.
- (b) At the inaugural meeting, the order of procedure will be as follows:
 - (1) Opening ceremony;
 - (2) Declarations of elected office and oaths of allegiance in accordance with the provisions of the *Municipal Act, 2001*;
 - (3) Appointments to Standing and Special Purpose Committees, boards, commissions and other organizations;

- (4) Matters incidental to the above or of urgent nature.

25.4.3.1 Regular meetings

All Council meetings will be held in the Council Chamber or at such other place as Council may by resolution prescribe. Regular meetings of the Council will be held as approved by Council resolution. By-law 93-117, 21 June, 1993.

25.4.3.2 Regular meetings - public notice

Public notice of regular meetings of Council and Committees of Council shall be provided by posting the annual schedule of regular meetings adopted by Council on the City's web site and, providing a printed version to any person who so requests. The schedule of upcoming meetings shall also appear in the Your Kitchener publication to be circulated to City households. Notice of special meetings that do not form part of the schedule of meetings shall be posted on the web site and provided to the media. The agenda for each meeting shall be posted on the web site no later than the Friday prior to the meeting and will be provided to the media upon request. By-law 2007- 232, 10 December, 2007.

25.4.4 Special meetings of Council

- (a) A special meeting of Council or of the Committee of the Whole will be held in the Council Chambers or at such other place as Council may by resolution prescribe and will be convened:
 - (1) at the call of the Mayor; or
 - (2) upon receipt by the Clerk of the petition of the majority of the members.
- (b) Upon receipt of the petition set out in Section 25.4.4 (a) (2), the Clerk will summon a special meeting for the purpose(s) and at the time stated in the petition. If the petition makes no reference to the place where the meeting is to be held, the location shall be in the Council Chambers.
- (c) Once received by the Clerk, no member may remove his/her name from a petition filed under this Section.
- (d) Notice and purpose of all special meetings of the Council or of the Committee of the Whole will be given to all members by delivery to the residence or place of business of the members, not less than twenty-four hours in advance of the time fixed for the meeting. The Clerk will also attempt to give such other notice of the meeting to the members by telephone or as is otherwise practical within the circumstances.

- (e) The Council will not consider or decide any matter not set forth in the notice calling the special meeting, without the consent, recorded in the minutes, of the whole Council.
- (f) Notwithstanding this Section, and in regard to matters deemed to be of an urgent and extraordinary nature where it is not possible to give the required notice to all members of Council, and for reasons of timing it is not possible to delay consideration to a subsequent meeting, such matter(s) may be added with the consent of two-thirds of the Council members present with both the reason for adding the matters and the required consent recorded in the minutes;
- (g) Notwithstanding this Section, on urgent and extraordinary occasions, with the consent of two-thirds of the whole of Council, recorded in the minutes, an emergency special meeting of the Council or of the Committee of the Whole may be called by the Mayor without notice to consider and deal with such urgent and extraordinary matters. By-law 93-117, 21 June, 1993; By-law 95-42, 27 March, 1995; By-law 2004-175, 30 August, 2004.

25.4.5 Meeting - open to public

Except as provided in Section 25.4.6, all meetings shall be open to the public and no person will be excluded except for improper conduct. The mayor or other presiding officer may expel any person for improper conduct at a meeting. By-law 95-42, 27 March, 1995.

25.4.6 Meeting - closed to the public

- (a) A meeting or part of a meeting may be closed to the public if the subject matter being considered is:
 - (1) the security of the property of the City or local board;
 - (2) personal matters about an identifiable individual, including City or local board employees;
 - (3) a proposed or pending acquisition or disposition of land for City or local board purposes;
 - (4) labour relations or employee negotiations;
 - (5) litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board;

- (6) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (7) a matter in respect of which Council, board, committee or other body has authorized a meeting to be closed under another Act. By-law 95-42, 27 March, 1995; By-law 2003-9, 13 January, 2003.

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25.4.7 Meeting - closed - request - MFIPPA

A meeting shall be closed if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the Council is designated as head of the City for the purposes of that Act. By-law 95-42, 27 March, 1995.

25.4.8 Meeting - closed by resolution - stating nature

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

- (a) that a closed meeting will be held; and
- (b) the general nature of the matter to be considered at the closed meeting. By-law 95-42, 27 March, 1995; By-law 2000-3, 17 January, 2000; By-law 2006-14, 16 January, 2006; By-law 2006-80, 3 April, 2006.

25.4.9 Meeting - closed - recorded in minutes - by Clerk

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

- (a) the time and the date;
- (b) the authority contained in the Chapter to justify the closed meeting; and
- (c) the matter considered.

25.4.10 Meeting - closed - minutes retained in confidence

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

25.4.11 Meeting - open - final determination - approval

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

25.4.12 Public statement of matters discussed - prohibited

No City staff member shall make any public statement concerning any matter, which to the employee's knowledge has been discussed at a closed meeting until such matter has been considered at an open meeting of Council.

25.4.13 Records - books - inspection - prior to consideration

Subject to the provisions of the *Municipal Act, 2001* and the *Municipal Freedom of Information and Protection of Privacy Act*, any member of the public may inspect any record, book, account and document in possession of or under the control of the Clerk.

25.4.14 Records - books - inspection - prior to consideration

Upon reasonable notice, any member of the public shall be permitted, during City Hall working hours, to inspect any plan, report, document, record, book, account or correspondence which shall be the subject of consideration by Council or any Committee of Council arriving at a policy decision of Council or Committee of Council, provided that this shall not extend to inter-departmental correspondence or material provided to Council in connection with those matters listed in Section 25.4.6.

25.4.15 Reports - books - Planning - Development

All supporting documents, reports and plans relevant to the report of the Planning & Economic Development Committee shall be made available to any member of the public for viewing before consideration of the Planning & Economic Development Committee report by Council.

25.4.16 Public meeting - Planning - Development

If a public meeting has been scheduled at the direction of the Planning & Economic Development Committee prior to consideration of its report by Council, then all such documents, reports and plans shall be made available for viewing before and at such public meeting. This includes copies of the Official or Municipal Plan and Zoning By-laws, Planning staff reports and plans to be presented at such public meeting. By-law 95-42, 27 March, 1995.

25.4.17 Commencement of meeting

As soon as a quorum is present after the hour set for the meeting, the Mayor or Acting Mayor who shall preside at all meetings of Council, shall take the chair and call the members present to order.

If the Mayor does not attend within fifteen minutes after the time set for a meeting, the Clerk will call the members to order to appoint an acting Mayor from among the members present who will preside until the arrival of the Mayor. By-law 93-117, 21 June, 1993; By-law 95-42, 27 March, 1995.

25.4.18 No quorum at start of meeting

If a quorum is not present to enable a meeting to commence one-half hour after the time set for a meeting, the Clerk will call the roll and record the names of the members present. The members will stand discharged from waiting further.

If a meeting does not take place because of the lack of a quorum, the Council will meet either at the next regularly scheduled meeting or at such other time and place as called by the Mayor.

25.4.19 Unfinished business - quorum lost

If during the course of a meeting a quorum is lost then the meeting will stand adjourned, not ended, to reconvene at the same time of commencement on the next following day, or at such other time and place as called by the Mayor.

If, in the Mayor's opinion, it is not essential that the balance of the agenda be dealt with before the next regularly scheduled meeting, then the Mayor will announce that the unfinished business will be considered at that time.

25.4.20 Recording presence before adjournment

When a quorum is not present to permit a meeting of the Council to reconvene or to continue, the Clerk will call the roll and record in the minutes the names of those present before the members are discharged.

25.4.21 Termination of Council proceedings

The proceedings of the Council on any day shall be terminated by midnight unless such proceedings are continued after such hour with the unanimous consent of the members present.

25.4.22 Persons within Council bar

No person, except a member or an authorized City employee, will be allowed on the Council floor within or outside the Council bar during the sittings of the Council without permission of the Mayor.

No person except a member or an authorized City employee will, before or during a meeting of the Council, place on the desks of members or otherwise distribute any material whatsoever unless such person is acting with the approval of the Clerk. By-law 93-117, 21 June, 1993.

**Article 5
ORDER OF PROCEEDINGS
AGENDAS AND MINUTES**

25.5.1 Council agenda

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

- (a) Adoption of Minutes of previous meeting(s);
- (b) Communications;
- (c) Referral of Communications;
- (d) Presentations
- (e) Delegations;
- (f) Report of Committees;

- (g) Unfinished Business;
- (h) New Business;
- (i) Questions;
- (j) Answers;
- (k) By-laws - 1st Reading;
- (l) Committee of the Whole;
- (m) Report of the Committee of the Whole;
- (n) By-laws - 3rd Reading;
- (o) Adjournment.

The business of the Council will be considered in the order set forth on the agenda, provided, however, that the Mayor, with approval of the Council, may vary the order of business to better deal with matters before the Council. By-law 93-117, 21 June, 1993; By-law 2007-45, 26 February, 2007.

25.5.2 Delivery of agenda to members

Not less than two clear days in advance of each regular meeting of the Council, the Clerk will cause the following to be delivered to each member:

- (a) the minutes of the last meeting and all Special Purpose and Standing Committee meetings held more than four working days prior to a regular meeting;
- (b) an agenda prepared in accordance with Section 25.5.1.

25.5.3 Minutes

- (a) Minutes of the Council will record:
 - (1) the date of the meeting;
 - (2) the record of the attendance of the members;
 - (3) the reading, if requested, correction and adoption of the minutes of prior meeting(s);
 - (4) all the other proceedings of the meeting without note or comment.
- (b) If the minutes have been delivered to the members, then the minutes will not be read, and a resolution that the minutes be adopted, as if read, will be in order.

- (c) After the minutes have been adopted they will be signed by the Mayor and by the Clerk.

25.5.4 Communications and petitions

- (a) Every communication, including a petition designed to be presented to the Council, will be legibly written or printed, and will be signed by at least one person giving his/her address and filed with the Clerk who shall deal with them as follows:
 - (1) Where, in the opinion of the Clerk, the subject matter of any communication is properly within the jurisdiction of the Committee of the Whole, such communication shall be placed upon the agenda for the next regular meeting of the Council and be dealt within the Committee of the Whole during such meeting.
 - (2) Where, in the opinion of the Clerk, the subject matter of any communication is properly within the jurisdiction of a Standing or Special Committee of the Council, such communication shall be referred directly to the appropriate committee without prior reference to the Council.
 - (3) Communications of a routine nature shall be referred by the Clerk directly to the City official concerned, or to file without prior reference to the Council or any committee.
 - (4) Where letters or other communications addressed to the Council are referred to file by the Clerk, the Clerk shall list and briefly describe the contents of such letters or other communications upon the agenda of the next regular meeting of the Council.
- (b) The Mayor shall refer the communications as listed on the agenda. By-law 93-117, 21 June, 1993.

25.5.4.1 Presentations

Presentations may be given by City of Kitchener staff, a consultant retained by the City, staff and/or representative from another government or government agency or, any person/organization invited by Council to provide a presentation.

Presentations may be given at a regular or special meeting of Council only when it is considered to be appropriate to do so as opposed to giving the presentation to a Standing Committee of Council. Emphasis will be to encourage the presentation at committee meetings.

When possible to do so, a printed hard copy version of the presentation is to be provided for inclusion with the agenda in order to provide information to the public. By-law 2007-45, 26 February, 2007.

25.5.5 Delegations

- (a) Delegations shall be permitted to appear before regular and special meetings of Council and before the Standing or Special Purpose Committee responsible for the subject matter to be addressed. Emphasis will be to encourage attendance at committee meetings.

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- (b) Delegations shall address Council only with respect to matters already listed on the agenda. Notwithstanding this provision, in emergency situations, Council by affirmative vote of a majority of its members present at a regular Council meeting, may agree to hear a delegation on any matter provided the presentation material is in writing and available whenever possible for distribution to Council prior to the commencement of the said meeting.
- (c) All presentation material for consideration by the Council, shall be legible, in writing and filed whenever possible in the office of the Clerk no later than two days prior to the finalization of the respective Council agenda and shall be included as part of the support material attached to the agenda.
- (d) Delegations wishing to present new information to Council subsequent to an earlier Council presentation or a presentation to committees of Council, shall whenever possible file same in writing with the Clerk no later than 5 p.m. on the Wednesday preceding the regular Council meeting. Such material shall be listed on and attached to the agenda. Should the Friday preceding the Council meeting be a statutory holiday, then all material shall be filed by 5 p.m. on the preceding Tuesday.
- (e) Delegations shall be permitted to address Council for a maximum of five minutes. Where a delegation consists of five or more persons, it may be permissible for two spokespersons to address the Council, each of whom shall be granted a maximum of five minutes.
- (f) Speakers will be requested not to repeat what has been stated by previous speakers addressing Council.
- (g) Members of the public who constitute the audience in the Council Chamber during a Council meeting will maintain order and quiet and may not:
 - (1) address Council without its permission;
 - (2) interrupt any speaker or action of the members of Council, or any other person addressing Council;
 - (3) display or have in their possession, picket signs or placards in the Council Chamber or meeting rooms.

25.5.6 Reports of Standing or Special Purpose Committees

- (a) The Mayor shall, during every regular meeting of the Council, call for the reports of any Standing or Special Purpose Committees following which the Committee Chair wishing to make a report will present same to the Council.
- (b) The report of every Standing or Special Purpose Committee shall be in writing.
- (c) It shall be permissible to amend a Committee report on motion passed by the Council.

25.5.7 Unfinished Business

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

25.5.8 New Business

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

- (a) notices of motion;
- (b) motions of which prior notice has been given;
- (c) motions for reconsideration;
- (d) motions of congratulation or of sympathy or other motions of a routine nature;
- (e) where any other matter is raised under "New Business" it shall not be discussed or voted upon under the order of procedure but shall be taken only as a notice of motion. Provided, however, that on motion passed by a vote of two-thirds of the whole Council, such matter may be referred to the Committee of the Whole for immediate consideration.

25.5.9 Questions

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

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

25.5.10 Answers

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

25.5.11 By-laws - first reading

- (a) All by-laws to be considered by the Council shall be introduced by a motion of leave specifying the title or purpose of the by-law and will be given first reading without amendment or debate.
- (b) Such motion may be in the following form:
"That leave be given the Mover and Seconder to introduce the by-laws listed on the agenda, namely:
 - (a) a by-law to . . .
 - (b) (listing the by-laws)and that the same be taken as read a first time and stand referred to the Committee of the Whole."
- (c) Such motion of leave shall not be subject to debate or amendment and when passed, the by-laws to which it refers shall stand referred to the Committee of the Whole.

25.5.12 Committee of the Whole

- (a) Whenever Council resolves itself into the Committee of the Whole, the Mayor shall leave the Chair only after appointing a member of the Council as Committee Chair who shall preside over the meeting and shall report its proceedings.
- (b) The Mayor shall appoint a different member of the Council as Committee Chair for each regular or special meeting of the Council by following the order of seating around the Council table.
- (c) The Committee of the Whole shall consider and report on the following matters:
 - (1) report of the Chief Administrative Officer;
 - (2) communications, by-laws and questions which have been referred to the Committee;

- (3) any other matter which has been referred to the Committee by resolution of the Council.
- (d) Every by-law may be debated in the Committee of the Whole, is subject to amendment and may be tabled or referred back to a named Committee of the Council for further consideration.
- (e) When a by-law has been referred back to a committee of the Council, it may be reintroduced in the Committee of the Whole in the same or in an amended form during any subsequent regular meeting of the Council on motion duly moved and carried.
- (f) When a by-law has been approved by the Committee, a motion recommending it for enactment shall be included in the report of the Committee. Such motion may be in the following form:

“That the by-law(s) considered by this Committee (as the same have been amended) be taken as read a second time and be recommended for enactment.”
- (g) The number of times a member may speak on any question will not be limited, provided that no member speaks more than once until every member who desires to speak has spoken.
- (h) A motion to rise and report will be put immediately and will be decided without debate.

25.5.13 Report - Committee of the Whole

Every report of the Committee of the Whole shall be moved in a motion by the Committee Chair in the following form:

“That the proceedings and the recorded pecuniary interests and conflicts taken in the meeting of the Committee of the Whole held this date, as attached hereto and forming part of these minutes are hereby adopted and confirmed.”

25.5.14 By-laws - third reading

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

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

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

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

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

25.5.15 Adjournment

A motion to adjourn:

- (a) may be made at any time by a member who has the floor, except when another member is speaking or except during the taking of a vote on any question;
- (b) requires no seconder;
- (c) may not be amended;
- (d) is not debatable;
- (e) if lost, no second motion can be made again until after some intermediate proceedings have been completed by Council;
- (f) if carried, brings a Council meeting to an end. Any item of business or any by-law before the Council left undisposed of, may be considered at the next regularly scheduled Council meeting;
- (g) to a specific time, or to reconvene upon the happening of a specified event, suspends the Council meeting which shall continue at such time.

Article 6
RULES OF CONDUCT AND DEBATE

25.6.1 Address the Chair

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

25.6.2 Order of speaking

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

25.6.3 Mayor - inability to debate

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

25.6.4 Conduct of members in Council

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

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

25.6.5 Personal privilege

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

25.6.6 Point of order

- (a) A member who desires to address Council upon a matter which concerns the rights or privileges of the Council collectively, or as an individual member, will be permitted to raise such matter of privilege. A breach of privilege is a wilful disregard by a member or any other person of the dignity and lawful authority of Council. A matter of privilege will take precedence over other matters. When a member raises a point of privilege the Mayor may use the words "Councillor . . . state your point of privilege". While the Mayor is ruling on the point of privilege, no one will be considered to be in possession of the floor.
- (b) A member who desires to call attention to a violation of the rules of procedure will ask leave of the Mayor to raise a point of order. When leave is granted, the Mayor may use the words "Councillor . . . state your point of order." The member will state the point of order with a concise explanation and will follow the decision of the Mayor. The speaker in possession of the floor when the point of order or privilege was raised will have the right to the floor when debate resumes.

- (c) A member called to order by the Mayor will immediately vacate the floor until the point of order is dealt with, and will not speak again without the permission of the Mayor unless to appeal the ruling of the Mayor.

25.6.7 Appeal

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

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

25.6.8 Members speaking

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

25.6.9 Question read

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

25.6.10 Speak once - reply

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

25.6.11 Time limited

No member, without leave of the Council, will speak to any question, or in reply, for longer than fifteen minutes.

25.6.12 Question put - no further debate

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

25.6.13 Questions

- (a) A member may ask a question of the Mayor for the purpose of obtaining information relating only to the matter under discussion and such questions must be briefly stated.

- (b) A question put to a member may not contain imputations, epithets, ironical expressions or hypothetical cases; nor may a question refer to debates or answers to questions in the same meeting. A question may not be put which publishes the names of persons, or contains statements not strictly necessary to render the question intelligible, or contains charges which the member who asks the question is not prepared to substantiate. The solution of an abstract legal case may not be sought by a question. A question cannot be made a pretext for a debate, and when a question has been fully answered it cannot be renewed.

25.6.14 Unprovided cases

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

Article 7 MOTIONS

25.7.1 Reading

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

25.7.2 Withdrawal

After a motion is read or stated by the Mayor, it is deemed to be in possession of the Council, and it may only be withdrawn before decision or amendment with the permission of the Council.

25.7.3 No debate until read

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

25.7.4 Motion ruled out of order

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

25.7.5 Not within jurisdiction of Council

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

25.7.6 Motions

- (a) The following matters and motions may be introduced orally without notice and without leave, except as otherwise provided by the rules of procedure:
- (1) a point of order or personal privilege;
 - (2) presentation of petitions;
 - (3) to move the question be put;
 - (4) to adjourn.
- (b) The following motions may be introduced without notice and without leave, except as otherwise provided by the rules of procedure:
- (1) to refer;
 - (2) to table, or to postpone, or defer to a day certain;
 - (3) to amend;
 - (4) to suspend the rules of procedure;
 - (5) any other procedural motion.
- (c) Except as otherwise provided in this Chapter, all motions will be in writing and signed by the mover and seconder.
- (d) All motions may be supported or opposed by the mover and seconder.
- (e) When a member's motion has been called by the Mayor at two successive meetings and not proceeded with, it will be deemed to have been withdrawn and dropped from the agenda unless Council otherwise decides.
- (f) The mover and seconder may withdraw a motion at any time prior to the commencement of debate thereon.
- (g) A member may withdraw his/her notice of motion at any time prior to the subject matter being considered.

25.7.7 Order of consideration

- (a) When a question is under consideration, no motion will be received except a procedural motion or a motion to amend.

- (b) Procedural motions will be considered immediately upon receipt and will have precedence and are subject to debate as follows:
- (1) to extend the time of the meeting (not debatable);
 - (2) to move the question be put (not debatable);
 - (3) to refer (debatable);
 - (4) to lay on the table (debatable);
 - (5) to defer indefinitely or to a day certain (debatable - as to time only);
 - (6) to adjourn (not debatable);
 - (7) any other procedural motion (debatable).

25.7.8 Amendment

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

25.7.9 Question be now put

A motion that the question be now put:

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

25.7.10 Motion to refer

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

A motion to refer is debatable.

25.7.11 Motion to lay on the table

- (a) A motion simply “to lay a matter on the table” is debatable but cannot be amended.
- (b) A motion “to lay on the table” with some condition, opinion, or qualification added to the motion to table will be deemed to be a motion to postpone or defer made under Section 25.7.12.
- (c) The matter tabled will not be considered again by the Council until a motion has been made to take up the tabled matter at the same or a subsequent meeting of the Council.
- (d) A motion to take up a tabled matter is not subject to debate or amendment.
- (e) A motion that has been tabled at a previous meeting of the Council cannot be lifted off the table unless notice is given in accordance with Section 25.7.13.
- (f) A motion that has been tabled and not taken from the table for six months is deemed to be withdrawn.

25.7.12 Motion to postpone or defer

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

A motion to postpone or defer indefinitely will be treated as if it was a motion to lay on the table. By-law 93-117, 21 June, 1993.

25.7.13 Notice of motion

Notice of motion by a member will:

- (a) be in writing;
- (b) be tabled at a Council meeting preceding the date on which the matter will be introduced; or, will be received by the Clerk in sufficient time for it to be processed under clause (c) of this Section;
- (c) be printed in full under New Business in the agenda for that meeting;
- (d) when a member's notice of motion has been called by the Mayor in two successive meetings and not proceeded with, it will be dropped from the agenda unless Council otherwise decides;
- (e) if at the third meeting, such notice of motion is called by the Mayor and not proceeded with, it will be deemed to have been withdrawn. By-law 93-117, 21 June, 1993; By-law 93-148, 23 August, 1993.

25.7.14 Dispensing with notice

Any motion may be introduced without notice if the Council, without debate, dispenses with notice on the affirmative vote of at least two-thirds of the whole Council.

25.7.15 Reconsideration

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

- (a) a notice of motion given in writing by a member, has been introduced according to the procedure for notice of motion;
- (b) debate on a motion to reconsider must be confined to reasons for or against;
- (c) such motion must be supported by two-thirds of the members present voting in favour of such reconsideration before the matter can be debated;

- (d) if a motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, unless the motion calls for a future date, and debate on the question to be reconsidered may proceed as though it previously had never been voted on.
- (e) a motion to reconsider an amendment may not be submitted until after the original motion to which the amendment was proposed has been considered and disposed of;
- (f) a vote to reconsider will not be considered more than once during the term of the Council.

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

Article 8 VOTING IN COUNCIL

25.8.1 Qualification

The Mayor and each member has one vote only. By-law 93-117, 21 June, 1993.

25.8.2 Secret ballot prohibited

No vote will be taken in Council by ballot or by any other method of secret voting, and every vote so taken is of no effect. By-law 95-42, 27 March, 1995.

25.8.3 All members vote

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

In the event of an equality of votes, the question being voted on is deemed to be lost.

25.8.4 Unrecorded vote

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

25.8.5 Severability of question

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

25.8.6 Recorded vote

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

25.8.7 Disputing vote

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

25.8.8 Putting question - members seated

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

25.8.9 Disclosure of pecuniary interest - recording

Every disclosure of interest and the general nature thereof made at a meeting which is open to the public shall be recorded in the minutes of the meeting by the Clerk. Every disclosure of interest, but not the general nature of that interest, made where the meeting is not open to the public shall be recorded by the Clerk in the minutes of the next meeting that is open to the public. By-law 93-117, 21 June, 1993.

25.8.10 Meeting - open - during the taking of a vote

Subject to Section 25.8.11, a meeting shall not be closed to the public during the taking of a vote. By-law 95-42, 27 March, 1995.

25.8.11 Meeting - closed - during the taking of a vote

Despite Section 25.8.2, a meeting may be closed to the public during a vote if:

- (a) Sections 25.4.6 or 25.4.7 permits or requires a meeting to be closed to the public; and
- (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City, local board or committee of either, or persons retained by or under contract with the City or local board. By-law 95-42, 27 March, 1995; By-law 2003-9, 13 January, 2003.

**Article 9
BY-LAWS**

25.9.1 Readings of by-laws - related proceedings

- (a) An amendment to a by-law in either Committee of the Whole or at third reading must strictly relate to the subject matter of the by-law.
- (b) It is permissible on a motion for final passing of a by-law to move that the by-law be referred back to a named committee for further consideration, or that third reading be deferred indefinitely or be postponed to a definite time.
- (c) The Clerk will endorse on all by-laws enacted by Council the dates of several readings, where applicable.
- (d) Every by-law which has been enacted by the Council will be numbered, dated and deposited in the office of the Clerk for safekeeping.

**Article 10
COMMITTEES**

25.10.1 Procedure

Except as otherwise provided in this Chapter, a committee will conform to the rules governing protocol and procedure in the Council.

25.10.2 Establishment - appointment

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

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

25.10.3 Mayor - ex-officio

The Mayor is an *ex-officio* member of every committee.

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

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

25.10.4 Terms of reference

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

Council may consider any matter without referring it to a Standing Committee or may refer it to one or more committees or refer it to the Committee of the Whole Council and may withdraw a matter from a committee whether or not the committee has entered into consideration. By-law 93-117, 21 June, 1993.

25.10.5 Standing Committees

The following shall constitute the Standing Committees of Council:

- (a) Finance and Corporate Services;
- (b) Community Services;
- (c) Development and Technical Services. By-law 2003-9, 13 January, 2003.

Members of Council who are not members of a committee may attend, be heard, but only committee members may vote.

However, all members of Council may attend, be heard and vote when the Finance and Administration Committee is involved in the budget review process.

25.10.6 Quorum

A quorum is as defined under Section 25.1.16. The Mayor is a member to be included in determining the quorum.

25.10.7 Committee Chair

Annually, each committee at its first meeting will elect a Committee Chair and Committee Vice-Chair from among its members to be confirmed by Council.

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

25.10.8 Committee meetings

- (a) Generally, committees will meet in City Hall; however, meetings shall not be scheduled elsewhere without prior notice to Council.
- (b) The Committee Chair will preside; in the absence of the Committee Chair, the Vice-Chair will preside, or in the absence of both, such other member of the Committee as may be appointed by the concurring vote of a majority of the Committee members present.
 - (1) In the absence of the Committee Chair and Vice-Chair for a period of fifteen minutes after the time appointed for the holding of a meeting of the Committee, one of the other members of the Committee, if there be a quorum present, may be appointed as provided in Section 25.10.8 (b) and discharge the duties of the Committee Chair during the meeting or until the arrival of the Committee Chair or the Vice-Chair.
 - (2) The Committee Chair may vote on any question before the Committee, and, in the event of an equality of votes the Committee Chair will not have an extra casting vote and the question being voted upon is deemed lost.
 - (3) If a quorum is not present thirty minutes after the time appointed for the meeting, the meeting will stand adjourned at the call of the Committee Chair.
 - (4) Notwithstanding Section 25.10.8 (b) (3), if a quorum is not present after the time appointed for the meeting, the members may choose to proceed with committee business, provided that, prior to considering any recommendations of the Committee, Council must first permit the recommendations to be tabled.
- (c) No committee shall be permitted to meet while Council is in session.

- (d) Committees will consider and report on such matters only as have been referred to them by the Council or such matters as come within their continuing terms of reference and jurisdiction.
- (e) Members may speak more than once to the same question.
- (f) A motion made in committee need not be seconded.
- (g) Subject to Section 25.4.6 of this Chapter, all meetings will be open to the public.

25.10.9 General provisions for Committees

- (a) The rules in respect of the hearing of delegations pursuant to Section 25.5.5 will apply to all committees of the Council.
- (b) Should a Committee Chair neglect or refuse to call meetings of the Committee at such times or with such frequency as the proper dispatch of the Committee's business requires, or do the business of the Committee without the knowledge or consent of its members, or contrary to their wishes or sanction, the Committee may report such neglect, refusal or action to the Council which may remove such Chair from office and appoint another member as Chair.
- (c) Should any member of a committee fail to attend three successive regular meetings without being authorized to do so by a resolution of the Committee, the Committee may certify such failure and the membership of such person on the Committee is terminated and the Council may appoint another member in his/her place. Receipt of notification of regret by the Committee or Council will constitute authorization for the purposes of this Subsection.
- (d) Should any committee neglect or refuse to give due attention to any matter before it, the Council may by resolution, discharge such committee and appoint another in its place.
- (e) When a Special Purpose Committee has completed its work and submitted its final report, it dissolves automatically, unless otherwise directed by Council.
- (f) Except as may be provided in the *Municipal Act* and herein, no member will have precedence or seniority over any other member.

25.10.10 Special - joint committee meetings

- (a) A joint meeting of two committees may be directed by Council or may be called by their Chairs whenever such Chairs consider it necessary for their respective committees to consider and report jointly on matters within their joint areas of concern.
- (b) A quorum for the joint meeting of two committees will be a majority of the combined number of members of both of the committees excluding the Mayor. The Mayor, if present, will be counted as one member in making such quorum and will have one vote.
- (c) The members in attendance at a joint meeting called pursuant to this Section may appoint the Chair of one of the committees to Chair the joint meeting, but if both such Chairs are absent, another member of one of the two committees may be so appointed.
- (d) When the Chair of the joint meeting calls for the vote on a question, each member of the two committees will be entitled to vote in unison, and the question will be decided by a majority of votes, so that only one decision is made. The Chair of the joint meeting may vote on all questions submitted and in the case of an equal division, the question will be deemed to have been decided in the negative.
- (e) The provisions of this Chapter with respect to the conduct of business in committees will apply, with necessary changes, to the conduct of business at a special or joint meeting calling pursuant to this Section.

**Article 11
GENERAL PROVISIONS**

25.11.1 Work of the Corporation

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

25.11.2 Execution of documents

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

25.11.3 Recording equipment

At the meetings of Council, the use of cameras, electric lighting equipment, flash bulbs, recording equipment, television cameras and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by members of the public, including accredited and other representatives of any news media whatsoever, may be permitted and are subject to the approval and/or direction of the Mayor unless otherwise decided by the Council. By-law 93-117, 21 June, 1993.

**Article 12
REPEAL - ENACTMENT****25.12.1 By-law - previous**

- (a) By-laws 88-25, 88-157, 88-175, 92-5 and 99-148 and the contents of Chapter 25 of the City of Kitchener Municipal Code are hereby repealed.
- (b) The Clerk is hereby directed to make this by-law a part of the City of Kitchener Municipal Code as Chapter 25 by adding it to the Concordance and arranging and numbering it so as to fit within the schedule of the Code.
- (c) This Chapter will not be amended or repealed except by a two-thirds vote of all members.
- (d) No amendment or repeal of this Chapter will be considered at any meeting of the Council unless notice of the proposed amendment or repeal was given at a previous regular meeting of the Council and the Council may not waive such notice. By-law 93-117, 21 June, 1993; By-law 2000-3, 17 January, 2000.

25.12.2 Effective date

This Chapter will come into force and take effect on the first day of September, 1993. By-law 93-117, 21 June, 1993.