



# SPECIAL CITY COUNCIL AGENDA

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Special City Council Meeting  
**Wednesday, February 6, 2019**  
Tom Davies Square

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**MAYOR BRIAN BIGGER, CHAIR**

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6:00 p.m. OPEN SESSION, COUNCIL CHAMBER

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## **MOMENT OF SILENT REFLECTION**

## **ROLL CALL**

## **DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

## **REGULAR AGENDA**

### **REFERRED & DEFERRED MATTERS**

- R-1. Report dated January 30, 2019 from the General Manager of Corporate Services regarding Adoption of Code of Conduct and Complaint Protocol . **5 - 25**  
**(RESOLUTION PREPARED)**  
(This report was deferred from the meeting of September 25, 2018 and recommends the adoption of the Code of Conduct for Members of Council and Members of Local Boards and the Complaint Protocol.)
- R-2. Report dated January 30, 2019 from the General Manager of Corporate Services regarding New Council Procedure By-law. **26 - 67**  
**(RESOLUTION PREPARED)**  
(This report was deferred from the meeting of September 25, 2018 and recommends the approval of a new Council Procedure By-law.)

### **ADDENDUM**

### **CIVIC PETITIONS**

### **QUESTION PERIOD AND ANNOUNCEMENTS**

### **NOTICE OF MOTION**

### **ADJOURNMENT**



# RÉUNIONS EXTRAORDINAIRES DU CONSEIL MUNICIPAL

## ORDRE DU JOUR

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Réunion des Réunions extraordinaires du Conseil municipal

**6 février 2019**

Place Tom Davies

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**MAYOR BRIAN BIGGER, PRÉSIDENT(E)**

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18 h RÉUNION PUBLIQUE, SALLE DU CONSEIL

Les réunions du Conseil de la Ville du Grand Sudbury et de ses comités sont accessibles et sont diffusés publiquement en ligne et à la télévision en temps réel et elles sont enregistrées pour que le public puisse les regarder sur le site Web de la Ville à l'adresse <https://agendasonline.greatersudbury.ca>.

Sachez que si vous faites une présentation, si vous prenez la parole ou si vous vous présentez sur les lieux d'une réunion pendant qu'elle a lieu, vous, vos commentaires ou votre présentation pourriez être enregistrés et diffusés.

En présentant des renseignements, y compris des renseignements imprimés ou électroniques, au Conseil municipal ou à un de ses comités, vous indiquez que vous avez obtenu le consentement des personnes dont les renseignements personnels sont inclus aux renseignements à communiquer au public

Vos renseignements sont recueillis aux fins de prise de décisions éclairées et de transparence du Conseil municipal en vertu de diverses lois municipales et divers règlements municipaux, et conformément à la *Loi de 2001 sur les municipalités*, à la *Loi sur l'aménagement du territoire*, à la *Loi sur l'accès à l'information municipale et la protection de la vie privée* et au *Règlement de procédure* de la Ville du Grand Sudbury.

Pour obtenir plus de renseignements au sujet de l'accessibilité, de la consignation de vos renseignements personnels ou de la diffusion en continu en direct, veuillez communiquer avec le Bureau de la greffière municipale en composant le 3-1-1 ou en envoyant un courriel à l'adresse [clerks@grandsudbury.ca](mailto:clerks@grandsudbury.ca).

### **MOMENT DE SILENCE**

### **APPEL NOMINAL**

### **DÉCLARATION D'INTÉRÊTS PÉCUNIAIRES ET LEUR NATURE GÉNÉRALES**

## **Ordre du jour régulier**

### **QUESTION RAPPORTÉES ET QUESTIONS RENVOYÉES**

- R-1. Rapport Directeur général des Services corporatifs, daté du 30 janvier 2019 portant sur Adoption du code de conduite et le protocole à suivre en matière de plaintes. **5 - 25**  
**(RÉSOLUTION PRÉPARÉE)**  
(Ce rapport a été reporté lors de la réunion tenue le 25 septembre 2018 et recommande l'adoption du code de conduite à l'intention des membres du Conseil municipal et des membres des conseils locaux ainsi que le protocole à suivre en matière de plaintes.)
- R-2. Rapport Directeur général des Services corporatifs, daté du 30 janvier 2019 portant sur Nouveau règlement de procédure du Conseil municipal. **26 - 67**  
**(RÉSOLUTION PRÉPARÉE)**  
(Ce rapport a été reporté lors de la réunion tenue le 25 septembre 2018 et recommande l'approbation d'un nouveau règlement de procédure du Conseil municipal.)

### **ADDENDA**

### **PÉTITIONS CIVIQUES**

### **PÉRIODE DE QUESTIONS ET ANNONCES**

### **AVIS DE MOTIONS**

### **LEVÉE DE LA SÉANCE**

## Request for Decision

### Adoption of Code of Conduct and Complaint Protocol

Presented To: Special City Council

Presented: Wednesday, Feb 06, 2019

Report Date: Wednesday, Jan 30, 2019

Type: Referred & Deferred Matters

### Resolution

THAT the City of Greater Sudbury approves the Code of Conduct for Members of Council and Members of Local Boards and the Complaint Protocol for the Code of Conduct as outlined in the report entitled "Adoption of Code of Conduct and Complaint Protocol", from the General Manager, Corporate Services, presented at the City Council meeting on September 25, 2018;

AND THAT the necessary by-laws be prepared.

### Relationship to the Strategic Plan / Health Impact Assessment

This report moves forward the following priorities under the Responsive, Fiscally Prudent, Open Governance pillar in the Corporate Strategic Plan:

- A. Focus on openness, transparency and accountability in everything we do.
- D. Emphasize the relationship between governance, community engagement and information, in support of better decision-making.

### Report Summary

The report recommending the adoption each of the Code of Conduct for Members of Council and Members of Local Boards and the Complaint Protocol, in the form or substantially in the form attached to the report, appeared on the Council agenda of September 25th, 2018 and was deferred to January of 2019 for consideration by the new Council.

### Financial Implications

#### Signed By

##### Report Prepared By

Carolyn Dawe  
Assistant City Solicitor  
*Digitally Signed Jan 30, 19*

##### Division Review

Eric Labelle  
City Solicitor and Clerk  
*Digitally Signed Jan 30, 19*

##### Financial Implications

Jim Lister  
Manager of Financial Planning and Budgeting  
*Digitally Signed Jan 30, 19*

##### Recommended by the Department

Kevin Fowke  
General Manager of Corporate Services  
*Digitally Signed Jan 30, 19*

##### Recommended by the C.A.O.

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Jan 30, 19*

There are no direct financial implications to having a Code of Conduct or Complaint Protocol. Complaints will be directed to the Integrity Commissioner for investigation. The budget for the Integrity Commissioner is included in the base budget for 2019.

Presented To:	City Council
Presented:	Tuesday, Sep 25, 2018
Report Date	Tuesday, Sep 04, 2018
Type:	Managers' Reports

## Request for Decision

### Adoption of Code of Conduct and Complaint Protocol

#### Resolution

THAT the City of Greater Sudbury approves the Code of Conduct for Members of Council and Members of Local Boards and the Complaint Protocol for the Code of Conduct as set out in the report of the General Manager, Corporate Services, entitled Adoption of Code of Conduct and Complaint Protocol, presented at the City Council meeting on September 25, 2018;

AND THAT the necessary by-laws be prepared.

#### Relationship to the Strategic Plan / Health Impact Assessment

This report moves forward the following priorities under the Responsive, Fiscally Prudent, Open Governance pillar in the Corporate Strategic Plan:

- A. Focus on openness, transparency and accountability in everything we do.
- D. Emphasize the relationship between governance, community engagement and information, in support of better decision-making.

#### Report Summary

This report recommends that Council adopt each of the Code of Conduct for Members of Council and Members of Local Boards and the Complaint Protocol, in the form or substantially in the form attached to this report.

#### Financial Implications

There are no direct financial implications to having a Code of Conduct or Complaint Protocol. Complaints will be directed to the Integrity Commissioner for investigation. The budget for the Integrity Commissioner will be funded from the reserve for various (professional services) for 2018 and will be included in the base budget for 2019.

#### Signed By

##### **Report Prepared By**

Carolyn Dawe  
Acting Deputy City Solicitor  
*Digitally Signed Sep 4, 18*

##### **Division Review**

Eric Labelle  
City Solicitor and Clerk  
*Digitally Signed Sep 6, 18*

##### **Financial Implications**

Jim Lister  
Manager of Financial Planning and Budgeting  
*Digitally Signed Sep 10, 18*

##### **Recommended by the Department**

Kevin Fowke  
General Manager of Corporate Services  
*Digitally Signed Sep 11, 18*

##### **Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Sep 11, 18*

## **Background**

Legislative changes in recent years have enhanced accountability and transparency requirements for municipalities. Bill 68 has taken a further step in this direction by requiring that municipalities establish Codes of Conduct for Members of the Council of the municipality and of its Local Boards. In conjunction with this requirement, is the duty imposed to appoint an Integrity Commissioner who reports to council and who is responsible, with respect to Council and Local Boards, for:

- the application of the Code of Conduct for Members;
- the application of any procedures, rules and policies governing the ethical behaviour of Members;
- the application of provisions of the *Municipal Conflict of Interest Act* to Members;
- requests from Members for advice respecting a Member's obligations under the Code of Conduct;
- requests from Members of Council and of Local Boards for advice respecting their obligations under a procedure, rule or policy governing the ethical behaviour of Members;
- requests from Members of Council and of Local Boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*; and
- educating Members, the municipality and the public about the municipality's Code of Conduct for Members of Council and of Local Boards and about the *Municipal Conflict of Interest Act*.

These legislative changes were reported to Council at the January 23, 2018 City Council meeting. At that meeting, Council approved the selection process for an Integrity Commissioner, and at its meeting of July 10, 2018, appointed Robert Swayze, the successful proponent in the procurement process. Mr. Swayze's role as Integrity Commissioner begins December 1, 2018, coinciding with the new term of Council.

At the January meeting, Council also passed the following resolution, as part of resolution CC2018-21:

“AND THAT staff are directed to develop a new code of conduct applicable to members of City Council and local boards, including a complaint protocol, and establish the office of the Integrity Commissioner, all as described in the report of the General Manager, Corporate Services entitled Implementation of an Integrity Commissioner presented at the City Council Meeting on January 23, 2018.”

## **Process in Developing Code**

In developing the draft Code of Conduct and Complaint Protocol, staff reviewed those documents in effect in a number of municipalities, including: Hamilton, Mississauga, Sault Ste. Marie, Barrie, London, Kingston, Ottawa, Guelph, Port Hope and Toronto.

There were many commonalties between the Codes of Conduct and the Complaint Protocols of the various municipalities. The draft combined Code of Conduct and Complaint Protocol attached to this Report draws on the legislative requirements, concepts found in existing codes and the experience of the Integrity Commissioner who provided valuable input.



## Code of Conduct - Application

The *Municipal Act, 2001* provides that the Code of Conduct is to apply to Members of Council, including the Mayor, and to Members of Local Boards. There are, however, a small number of local boards, such as the Library Board, the Police Service Board and the committee of management (at Pioneer Manor) which the Act has excluded from the application of the Code of Conduct.

## Role of a Code of Conduct

A Code of Conduct is intended to supplement both legislative requirements as well as other City policies and procedures regarding ethical behavior.

Legislative guidelines regarding ethical behavior are found, for example, in the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act*, *Municipal Freedom of Information and Protection of Privacy Act*, the *Municipal Elections Act*, the *Ontario Human Rights Code*, the *Criminal Code*, the *Occupational Health and Safety Act*, the *Public Enquiries Act*.

City policies and procedures affecting ethical behavior impacting members of council and referenced in the Code include: the Workplace Violence, Harassment and Discrimination Prevention Policy and Program; the Council Expense Policy; the Policy on the Use of Municipal Resources in Elections and the Procedure By-law. This is not a comprehensive list of such policies.

The Code of Conduct is intended to assist Members of Council and of Local Boards by setting guidelines for acceptable conduct in the individual performance of their official duties. It promotes public confidence that the City's elected officials operate from a basis of integrity, transparency, justice and courtesy. It is a requirement of the Code that Members will respect the City's policies and procedures governing ethical behavior.

To assist Members in fulfilling their duties, the Code provides that a Member may at any time, seek advice from the Integrity Commissioner on questions within his jurisdiction and may rely on the advice provided. Requests and responses will be in writing to assist in documenting the particulars.

## Code – Subject Matter

Regulation 55/18 made under the *Municipal Act, 2001*, prescribes minimum subject matter for a Code of Conduct for Members of Council and its local boards. The required topics to be addressed are:

- (a) gifts, benefits and hospitality;
- (b) respectful conduct, including conduct toward officers and employees of the municipality or the local board, as the case may be;
- (c) confidential information; and
- (d) use of property of the municipality or of the local board as the case may be.

These mandatory topics have been addressed in the draft Code of Conduct, along with additional topics, with a view to assisting both the Members and the public to understanding the

standards of behaviour. As noted in the Code, the behaviour of Members during the course of meetings of Council will continue to be governed by the City's Procedure By-law.

### Complaint Protocol

The Code is enforced by the Integrity Commissioner. In accordance with the *Municipal Act*, the Integrity Commissioner may investigate complaints filed by members of the public regarding behavior governed by the Code or City policies, procedures or rules addressing ethical behavior; but may only investigate allegations under the *Municipal Conflict of Interest Act* (the "MCIA") which are filed by electors or persons demonstrably acting in the public interest.

Written complaints will be submitted directly to the Integrity Commissioner, by mail, fax, e-mail or courier. The City's website will set out the contact information for the Integrity Commissioner to assist the public. Time constraints exist for filing of complaints.

The Integrity Commissioner will undertake a preliminary screening and investigate only complaints which are within his jurisdiction. No investigation will be conducted if the complaint does not relate to a contravention of the Code of Conduct, a corporate policy governing ethical behavior or a contravention of the *Municipal Conflict of Interest Act*. The Integrity Commissioner will also refuse to investigate if he determines that the complaint is frivolous, vexatious, not made in good faith, or would not constitute a contravention. Complainants will be advised in writing if the complaint is not being investigated, and provided with a reason for that decision.

Where the Integrity Commissioner has determined that it is in order to investigate the complaint, the person who is the subject of the complaint will be provided with a copy of the complaint and provided an opportunity to respond. The investigative powers of the Integrity Commissioner include the right of access to City workplaces, records, files and other property.

Before the final report on an investigation is released, the Integrity Commissioner will provide the Member affected an opportunity to provide comment on the findings and any proposed sanctions. The Integrity Commissioner will generally attend at Council to present any report with findings of fault.

In the event that the Integrity Commissioner is of the opinion that the Member has contravened the Code or the Integrity Commissioner has the authority to recommend that Council impose:

- (a) a reprimand; or
- (b) a suspension of the remuneration paid to the Member in respect of his or her services as a Member of Council or Member of a Local Board, as the case may be, for a period of up to 90 days.

While the Integrity Commissioner recommends sanctions the decision on this matter rests with Council, although there are some circumstances in which a Local Board may impose a sanction.

It should be noted that between nomination day and six weeks after voting day, no complaints may be accepted, investigated or reported on by the Integrity Commissioner and Council will not hear any reports on investigations.

Confidentiality guidelines governing the Integrity Commissioner, the investigations and reports are set out in the *Municipal Act, 2001*.

## **Next Steps**

The attached Code of Conduct and Complaint Protocol are being presented to Council for consideration. If approved, a by-law adopting the Code of Conduct and Complaint Protocol in the form or in a form incorporating any direction from Council, will be presented at the November 20, 2018 meeting of Council, to be effective December 1, 2018.

A presentation by the Integrity Commissioner will be scheduled in 2019 for the new Council, to assist Members in better understanding the Code, the processes set out in the Complaint Protocol, and the processes for seeking advice from the Integrity Commissioner on matters of ethical conduct.

## **Summary**

The *Municipal Act 2001*, requires every municipal council to adopt a Code of Conduct for Members of Council and of Local Boards. After review of municipal practices, the Code of Conduct and Complaint Protocol attached has been developed consistent with Council's direction of January 23, 2018, and is presented for consideration by Council.

## **REFERENCES**

Report presented to City Council on January 23, 2018 entitled "Implementation of an Integrity Commissioner":

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&lang=en&id=1234&itemid=14236>

Council Resolution CC2018-21 dated January 23, 2018 regarding the Implementation of an Integrity Commissioner:

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1234&itemid=rec>

Report presented to City Council on July 10, 2018 entitled "Appointment of Integrity Commissioner":

<http://agendasonline.greatersudbury.ca/?pg=agenda&action=navigator&lang=en&id=1244&itemid=14624>

Council Resolution CC2018-210 dated July 10, 2018 regarding Appointment of Integrity Commissioner:

<http://agendasonline.greatersudbury.ca/?pg=agenda&action=navigator&id=1244&itemid=rec>

**Schedule “A”**  
to By-law 2018\* of the City of Greater Sudbury  
**Code of Conduct for Members of Council and Local Boards**  
**And Complaint Protocol**

**Part 1 – Code of Conduct**

**Purpose:**

A legislated Code of Conduct helps to ensure that the members of Council and members of Local Boards, as defined in sections 1(1) and 223.1 of the *Municipal Act, 2001*, share a common basis of acceptable conduct in the individual conduct of their Official Duties. The Code of Conduct promotes public confidence that the City's elected representatives operate from a base of integrity, transparency, justice and courtesy.

Enforcement of the Code of Conduct by an independent Integrity Commissioner promotes public confidence in the process.

**Definitions**

1. For the purposes of this Code of Conduct:

- (a) **“Applicant”** means a person who has applied for an investigation by the Integrity Commissioner of an alleged contravention of the *Municipal Conflict of Interest Act*;
- (b) **“Application”** means a written request for an investigation with respect to an alleged contravention of the *Municipal Conflict of Interest Act*;
- (c) **“City”** means the municipal corporation of the City of Greater Sudbury, or the geographic area of the municipal corporation of the City of Greater Sudbury, as the context requires;
- (d) **“Complaint”** means a written request for an investigation with respect to an alleged contravention by a Member of the Code of Conduct or any other procedures, rule or policies governing ethical behaviour;
- (e) **“Complainant”** means a person who has applied for an investigation by Integrity Commissioner of an alleged contravention of this Code of Conduct or any other procedures, rule or policies governing ethical behaviour;
- (f) **“Confidential information”** includes but is not limited to information:
  - (i) in the possession of the City or Local Board that the City or Local Board is prohibited from disclosing, is required to refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act* or any other applicable law, or has exercised discretion to refuse to disclose;
  - (ii) identifying a matter or pertaining to the substance of a matter discussed or considered, or pertaining to advice received, presented, reviewed or discussed in an In-camera meeting under section 239 of the *Municipal Act, 2001*;

- (iii) pertaining to matters of a type that could be discussed in an In-camera meeting under section 239 of the *Municipal Act, 2001*;
  - (iv) that is subject to solicitor/client privilege;
  - (v) that is of a personal nature to employees or clients of the City or Local Board; or
  - (vi) the publication of which may infringe on the rights of any person, including by example, the source of a complainant where the identity of the complainant is given in confidence.
- (g) **“Council”** means the Council of the City of Greater Sudbury;
- (h) **“Family Member”** means a **child, parent or spouse** of the Member, as those terms are defined in the *Municipal Conflict of Interest Act*:
- (i) **“child”** means a child born within or outside marriage and includes an adopted child and a person whom the parent has demonstrated a settled intention to treat as a child of his or her family;
  - (ii) **“parent”** means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child; and
  - (iii) **“spouse”** means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.
- (i) **“Gift or Benefit”** means cash, fees, admission fees, advances, vouchers, invitations, services, hospitality, travel and accommodation, entertainment or other thing or consideration, given, donated, transferred or otherwise conveyed to a Member, unless the giver, donor, transferor or conveying person receives payment or other consideration of goods or property, of equal or greater value to the value of what was so provided;
- (j) **“In-camera”** means the conduct of a meeting or part of a meeting, of Council or a committee of Council, which is closed to the public as permitted under section 239 of the *Municipal Act, 2001*;
- (k) **“Integrity Commissioner”** means the person appointed by Council of the City as the Integrity Commissioner for the City, responsible to perform the functions of an integrity commissioner under part V.1 of the *Municipal Act, 2001*;
- (l) **“Local Board”** means a local board as defined in sections 1(1) and 223.1 of the *Municipal Act, 2001*;
- (m) **“Member”**, means a member of Council, including the Mayor, or a member of a Local Board;
- (n) **“Official Duties”** means the public duties or responsibilities of a Member in office and includes functions performed by Members necessary to demonstrate responsible and accountable government with respect to matters within the City’s or Local Board’s jurisdiction and which are done for the purpose of providing good government with respect to those matters; and

- (o) “**Social Media**” means web-based applications and on-line forums that allow users to interact, share and publish content such as text, links, photos, audio and video.

### **Application of the Code of Conduct**

2. This Code of Conduct applies to every Member. This Code of Conduct shall be applied to Members who are members of a Local Board and not members of Council with necessary modifications applied in the discretion of the Integrity Commissioner.

### **Framework**

- 3.(1) The Code of Conduct operates as a supplement to the legislative parameters within which the Members must operate. Members must comply with statutes of the Provincial Legislature and of the Parliament of Canada that govern the conduct of Members of Council, including:
- the *Municipal Act, 2001*;
  - the *Municipal Conflict of Interest Act*;
  - the *Municipal Elections Act, 1996*;
  - the *Municipal Freedom of Information and Protection of Privacy Act*;
  - the *Ontario Human Rights Code*;
  - the *Criminal Code (Canada)*;
  - *Occupational Health and Safety Act*; and
  - *Public Enquiries Act*.
- (2) The City's Procedure By-law 2018-\*\*, as amended or replaced from time to time, governs the conduct of Council Members during meetings of Council and its Committees.
- (3) Other City By-laws, rules, procedures and policies also govern the ethical behavior of Members of Council and supplement this Code of Conduct.

### **General Principles**

1. (1) Every Member shall serve, and be seen to serve, the public in a conscientious and diligent manner.
- (2) Every Member shall perform his or her functions with integrity, accountability and transparency and avoid the improper use of the influence of his or her office, and conflicts of interest, both apparent and real.
- (3) Every Member shall perform his or her Official Duties and arrange his or her private affairs in a manner that promotes public confidence and will bear close public scrutiny.
- (4) Members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and

the By-laws, rules, procedures and policies of Council pertaining to their position as an elected official.

- (5) Members should act in a manner which recognizes that the public has a right to open government and transparent decision making, while acknowledging all rules regarding confidentiality contained in this Code of Conduct and in other legislation.

### **Gifts or Benefits**

- 5.(1) No Member shall accept a Gift or Benefit that is connected, directly or indirectly, with the performance of the Member's Official Duties, or which would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or where the Gift or Benefit is related to a public function would exceed what a reasonable member of the public would consider to be appropriate in the circumstances.
- (2) For the purposes of subsection 5(1), a Gift or Benefit, provided with the knowledge of the Member, to a Family Member, to a member of staff of the Member, to any other person related to the Member, or to any other person, corporation or body with whom or which the Member is associated, that is connected, directly or indirectly, to the fact or performance of the Member's Official Duties, is deemed to be a Gift or Benefit to the Member.
- (3) Members are not precluded by this Code of Conduct from accepting:
  - a) compensation authorized by law;
  - b) such Gifts or Benefits that normally and reasonably accompany the duties of office and are received as an incident of protocol or social obligation;
  - c) a political contribution accepted and reported in accordance with applicable law;
  - d) admission to a widely-attended event, such as a convention, conference, symposium, forum, panel discussion, dinner, viewing, reception or similar event, offered by the entity responsible for organizing and presenting the event and unsolicited by the Member, if attending or participating in the Member's official capacity, including:
    - (i) participation in an event as a speaker or panel participant by presenting information related to City matters;
    - (ii) performance of a ceremonial function appropriate to the Member's office;
    - (iii) attendance at an event that is appropriate to the official capacity of the Member.
  - e) admission to a charity or community organization for whose benefit the event is being held, and unsolicited by the Member;
  - f) admission to a training or education program, including meals and refreshments furnished to all attendees, if such training or education is related to the Member's Official Duties and in the interests of the City;
  - g) services provided without compensation by persons volunteering their time;

- h) a suitable memento of a function honouring the Member;
  - i) food, lodging, transportation and entertainment provided by federal, provincial or municipal governments or by political subdivisions of them;
  - j) food and beverages consumed at banquets, receptions or similar events, if:
    - (i) attendance serves a legitimate business purpose;
    - (ii) the person extending the invitation or a representative of the organization is in attendance; and
    - (iii) the value is reasonable and the invitations infrequent;
  - k) communications to the office of a Member of Council, including subscriptions to newspapers and periodicals.
- (4) Except in the case of paragraphs 5(3) (b), (h), (i), (j) or (k), a Member shall not accept a Gift or Benefit worth in excess of two hundred dollars (\$200.00) or Gifts or Benefits from one source during a calendar year in excess of two hundred dollars (\$200.00). In the case of Gifts or Benefits of a type described in 5(3) (b), (h), (i), (j) or (k), if the value thereof, or if the total value of any one or more such Gifts or Benefits provided to or received by a Member from any one source during the course of a calendar year exceeds two hundred dollars (\$200.00), the Member shall, within thirty (30) days of such provision or receipt, or of reaching or exceeding such amount, file a disclosure statement with the Integrity Commissioner. The disclosure statement shall indicate:
- (a) the nature of every such, Gift of Benefit;
  - (b) its source and date of its provision and/or receipt;
  - (c) the circumstances under which it was provided and/or received;
  - (d) its estimated value;
  - (e) what the Member intends to do with the Gift or Benefit; and
  - (f) whether any Gift or Benefit is regarded by the Member as the property of the City.
- (5) Every disclosure statement filed or required to be filed under subsection 5(4) shall be a matter of public record, and duly made available to the public.
- (6) n receiving a disclosure statement, the Integrity Commissioner shall examine it to ascertain whether the receipt of the Gift or Benefit might, in his or her opinion, create a conflict between a private interest and the public duty of the Member. In the event that the Integrity Commissioner makes that preliminary determination, he or she shall call upon the Member to justify receipt of the Gift or Benefit, and in the further event that the Integrity Commissioner determines that the Gift or Benefit may create a conflict as described above, may request the Member to return the Gift or Benefit, or pay to the donor the value of any Gift or Benefit already consumed.



## **Confidential Information**

- 6.(1) No Member shall, contrary to any applicable privacy law, disclose, release by any means or in any way divulge to any person or to the public, any Confidential Information, including without limitation any personal information as that term is used in the *Municipal Freedom of Information and Protection of Privacy Act*, acquired by virtue of his or her office, except when required by law or authorized by Council or the Local Board to do so.
- (2) No Member shall misuse Confidential Information or other information that he or she has knowledge of by virtue of his or her position that is not in the public domain, including e-mails and correspondence, consultant's reports, draft documents, such that the use thereof may lead to financial or other gain of the Member or of any person related to the Member or cause detriment to the City, Council, a Local Board, the public or others.
- (3) Except for information that is relevant to matters before Council, a committee of Council or the Local Board as the case may be, Members enjoy the same level of access right to information as any other member of the community and must follow the same processes as any private citizen. No Member shall access or attempt to gain access to Confidential Information in the possession of the City or Local Board, unless it is necessary for the performance of his or her Official Duties and not prohibited by Council or Local Board policy.
- (4) Every Member shall ensure he or she complies with the *Municipal Act, 2001*, *Municipal Conflict of Interest Act*, *Municipal Freedom of Information and Protection of Privacy Act*, and other applicable legislation regarding open meetings, accountability and transparency.

## **Use of City Property, Services and Other Resources**

- 7.(1) No Member shall use or permit the use of, City land, facilities, equipment, supplies, services, City employees or other resources, including City-owned materials, websites, Council transportation delivery services, or Councillor global budgets, for activities other than the business of the City and in accordance with City policies.
- (2) No Member shall obtain financial gain from the use or sale of any City-developed intellectual property, (including inventions and creative writings or drawings), computer program, technical innovation, or other item capable of being patented, in which property remains in the exclusive ownership of the City.
- (3) Every Member shall avoid waste, abuse and extravagance in the provision or use of public resources.
- (4) Every Member shall comply with the City's policies on use of City property, use of technology, the Sale of Information Technology Equipment Policy and related procedures and guidelines.

## **Expenses**

8. Every Member shall comply with City policies in effect from time to time governing expenses, including the policy for Payment of Councillor Expenses and Travel and Business Expense Policy, and related procedures and guidelines and ensure that conditions related to each expense are met.

## **Election Campaign Work**

9. Every Member shall comply with the *Municipal Elections Act, 1996* and the City's policy on the Use of Municipal Resources by Candidates during a municipal election and shall not use municipal resources in respect of a Provincial or Federal election.

## **Business Relations**

- 10.(1) No Member shall act as a paid agent before Council, its committees or an agency, board or commission of the City.
- (2) No Member shall refer a third party to a person, partnership or corporation in exchange for payment or other personal benefit.

## **Conduct re Prospective and Future Employment**

11. No Member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her Official Duties.

## **Conduct in Office, Including at Council and Committees**

- 12.(1) Every Member shall conduct himself or herself with decorum in the course of his or her performance, or required performance, of his or her responsibilities as a Member, and at meetings of Council, Committees of Council or meetings of the Local Board as the case may be, and other meetings, and in the case of Members of Council, accordance with the provisions of the City's Procedure By-law, and other By-laws of the City, where applicable.
- (2) Failure by a Member of Council to comply with one or more provisions of the Council Procedure By-law does not, in itself, constitute a contravention of this Code of Conduct, in circumstances in which it is open to the body and/or the person chairing the meeting, to take appropriate steps to call the Member to order, or otherwise deal appropriately with the contravention, and the Member complies with the decision of the body or chairperson, and otherwise with the requirements of the Council Procedure By-law.
- (3) This section does not prevent a Member from requesting that the Council or Local Board as the case may be, grant a specific exemption or exception from strict application of this Code of Conduct, or of any other City policy or procedure, amend this Code of Conduct, or take no action in respect of a contravention of it, and such an exception or decision may be limited as to time or scope, and subject to amendment or revocation by the Council. Any such request to Council or a Local Board shall be made in a meeting open to the public.

## **Improper Use of Influence**

- 13.(1) No Member shall use the influence of his or her office for any purpose other than the performance of the Member's responsibilities as a Member, and other Official Duties.
- (2) In addition to the general requirement contained in subsection 13.(1):
  - (a) No Member shall use her or his status as a Member to influence, or try to influence, improperly, any action or decision of another person or entity to the private advantage of:

- (i) the Member;
- (ii) any Family Member;
- (iii) any business or other associate;

or attempt to secure preferential treatment beyond activities in which Members normally engage on behalf of constituents as part of their Official Duties;

- (b) No Member shall hold out the prospect or promise of future advantage through or related to, the supposed influence of the Member, in return for any decision, vote, action or inaction; and
  - (c) Every Member shall comply with the Purchasing By-law and shall not attempt to influence the decision making process as it relates to the award of contracts or settlement claims through personal contact or interaction with the parties administering or directly involved in such processes.
- (3) For the purposes of subsection 13.(2), “private advantage” does not include an advantage that:
- (a) affects a Member of Council, a Family member, City employee, friend or associate, as one of a broad class of persons; or
  - (b) concerns the remuneration or benefits of one or more Members of Council, as authorized by law.
- (4) Members should not advocate on behalf of any person at a hearing of an adjudicative board or tribunal and should not contact any member of such a board or tribunal regarding any application before it.

### **Conduct Respecting City Employees**

- 14.(1) Only Council as a whole and no single Member, including the Mayor, has the authority to direct employees, approve budgets, policy, and other such matters, unless specifically authorized by Council.
- (2) Every Member shall be respectful of the role of City officers and employees to provide professional service and advice based on political neutrality and objectivity, and without undue influence from any one or more Members. Members shall refrain from any conduct which may deter, interfere or unduly influence employees in the performance of their duties, obligations and any standards of conduct prescribed for the employee's profession.
  - (3) No Member shall maliciously, falsely, negligently, recklessly, or otherwise improperly, injure the professional or ethical reputation, or the prospects or practice, of any one or more City employees.
  - (4) No Member shall ask, expect or take any step to compel, any City officer or employee to engage in any partisan political activity, or be subjected to threat or discrimination for refusing to do so.
  - (5) No Member shall make requests or statements or take actions which may be construed as an attempt to influence the independent administration of justice.

- (6) No Member shall use, or attempt to use, the Member's authority or influence for the purpose of intimidating, threatening, coercing, or otherwise improperly influencing any City employee with the intent of interfering with that employee's duties, including the duty to disclose improper activity.

### **Discreditable Conduct**

15.(1) Every Member of Council and of a Local Board shall:

- (a) treat other Members, City officers and employees, and members of the public, appropriately, and without abuse, intimidation, harassment or violence; and
  - (b) make all reasonable efforts to ensure that his or her work environment is free from discrimination, harassment and violence.
- (2) Every Member shall act in compliance with the *Ontario Human Rights Code* and the *Occupational Health and Safety Act*, and where applicable, the City's Workplace Violence, Harassment and Discrimination Prevention Policy and Program.

### **Respect for Decision Making Process**

- 16.(1) Every Member shall accurately and adequately communicate the decisions of the Council or the Local Board, as the case may be, even if they disagreed with the decision of Council or the Local Board, as the case may be, such that respect for and trust and confidence in the decision-making processes is encouraged.
- (2) Every Member should refrain from making statements known to be false or with the intent to mislead Council or the Local Board as the case may be, or the public.
- (3) Every Member shall encourage public respect for and compliance with City processes, by-laws and policies.

### **Social Media**

17. Every Member shall:

- (a) adhere to any and all City policies and guidelines, regarding social media use; and
- (b) always identify themselves without any attempt to cover, disguise or mislead as to their identity or status as an elected representative of the City when using social media.

### **Comply with Policies and Procedures**

- 18.(1) Every Member shall adhere to such by-laws, policies and procedures adopted by Council or the Local Board as the case may be, that are applicable to them, whether or not specifically identified herein.
- (2) Nothing herein prevents a Member from requesting that Council or the Local Board grant an exemption from a policy.

## **Integrity Commissioner**

- 19.(1) The Code of Conduct is administered by the City's Integrity Commissioner, appointed by Council by By-law 2018-131 to perform, in an independent manner, the functions of an Integrity Commissioner under section Part V.1 of the *Municipal Act, 2001*.
- (2) Any Member seeking clarification of any part of this Code of Conduct is encouraged to consult with the Integrity Commissioner by way of written request for advice. Any written advice given by the Integrity Commissioner to a Member binds the Integrity Commissioner in any subsequent consideration of the conduct of the Member in the same matter as long as all the relevant facts known to the Member were disclosed to the Integrity Commissioner.
- (3) The Integrity Commissioner, is not restricted to looking at the pecuniary interest of the Member, and for clarity, the Integrity Commissioner is specifically authorized to investigate issues of conflict in a broad and comprehensive manner, while carrying out his or her responsibilities regarding the Code of Conduct.
- (4) The Integrity Commissioner shall provide the following services:
  - (a) The application of this Code of Conduct for Members.
  - (b) The application of any procedures, rules and policies of the City and local boards governing the ethical behaviour of Members of Council and of Local Boards or of either of them.
  - (c) The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to Members of Council or of Local Boards.
  - (d) Requests from Members of for advice respecting their obligations under the Code of Conduct applicable to the Member. All requests for such advice and the advice in response thereto, shall be provided in writing.
  - (e) Requests from Members for advice respecting their obligations under a procedure, rule or policy of the City or of the Local Board, as the case may be, governing the ethical behaviour of Members. All requests for such advice and the advice in response thereto, shall be provided in writing.
  - (f) Requests from Members for advice respecting their obligations under the *Municipal Conflict of Interest Act*. All requests for such advice and the advice in response thereto, shall be provided in writing.
  - (g) The provision of educational information to Members, the City and the public about the City's Code of Conduct for Members and about the *Municipal Conflict of Interest Act*.

## **Investigations under the Code of Conduct**

- 20.(1) The Complaint Protocol set out in Part 2 of this document shall govern allegations of wrongful behavior or activity under the Code of Conduct in Part 1 of this document (the "Code of Conduct". Every Member shall respect the procedures established in the Complaint Protocol and co-operate with requests for information during investigations under the Code of Conduct.

- (2) No Member shall engage in reprisal or make a threat of reprisal against a Complainant or any other person for providing information to the Integrity Commissioner or for making a Complaint to the Integrity Commissioner.
- (3) No Member shall obstruct the Integrity Commissioner in carrying out his or her responsibilities.
- (4) Without limiting the generality of subsection 20.(3), “obstruct”, under that subsection includes:
  - (a) destroying documents or records, including erasing electronic documents or records;
  - (b) withholding or concealing documents or records, including electronic documents or records; or
  - (c) failing to respond to the Integrity Commissioner within ten (10) days after a written request is given, or within such longer period as the Integrity Commissioner may allow.

## **Part 2 – Complaint Protocol**

### **Formal Complaint/Application Process**

- 21.(1) A Complaint that a Member has contravened the Code of Conduct or a corporate policy of the City governing ethical behaviour may be initiated by any person, any Member of Council, or by Council as follows:
  - a) a Complaint shall be made in writing and shall be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier;
  - b) a Complaint must be signed and dated by the Complainant who shall be an identifiable individual (Complaints may not be submitted by any group, organization or corporation);
  - c) a Complaint shall include:
    - (i) an explanation, with specific reference to sections of this Code of Conduct, as to why the issue raised is alleged to be a contravention of this Code of Conduct;
    - (ii) any evidence in support of the allegation; and
    - (iii) the names of any witnesses who can support the allegation
  - (d) the alleged violation shall have taken place within sixty (60) days of filing the Complaint with the Integrity Commissioner;
- (2) If filed with the Integrity Commissioner on or after March 1, 2019, an Application to the Integrity Commissioner to inquire into an alleged contravention of Sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* (“MCIA”) may be made by an elector as defined in Section 1 of the MCIA or by a person demonstrably acting in the public interest, as follows:

- (a) an Application shall be made in writing and shall be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier;
  - (b) an Application must be signed and dated by the Applicant who shall be an identifiable individual (An Application may not be submitted by any group, organization or corporation);
  - (c) an Application shall include:
    - (i) an explanation, with specific reference to sections of the MCIA, as to why the issue raised is alleged to be a contravention of the MCIA;
    - (ii) any evidence in support of the allegation;
    - (iii) the names of any witnesses who can support of the allegation;
    - (iv) a statutory declaration attesting to the fact that the Applicant became aware of the alleged contravention not more than six (6) weeks before the date of the Application in accordance with Section 223.4.1(5) & (6) of the *Municipal Act, 2001*; and
  - (d) an Application may only be made six (6) weeks after the Applicant became aware of the alleged contravention and otherwise in compliance with Section 223.4.1(5) & (6) of the *Municipal Act, 2001*.
- (3) The Integrity Commissioner shall undertake an initial review of a Complaint or an Application and shall determine whether the matter relates to non-compliance with the Code of Conduct or other corporate policy applying to Members or compliance with the MCIA. The Integrity Commissioner shall have no power or jurisdiction to investigate or otherwise deal with the Complaint or Application, if it is not alleging such a contravention, or if the Complaint relates to the following matters:
- (a) **Criminal Matter** – if the Complaint relates to an allegation of a criminal nature consistent with the Criminal Code, the Complainant shall be advised that pursuit of such an allegation must be made through the appropriate police service;
  - (b) **Municipal Freedom of Information and Protection of Privacy Act** – if the Complaint relates to a matter under the *Municipal Freedom of Information and Protection of Privacy Act*, the Complainant shall be referred to the Clerk; or
  - (c) **Municipal Elections Act** – if the Complaint relates to the enforcement of the *Municipal Elections Act*, the Complainant shall be referred to the Compliance Audit Process if the matter relates to campaign finances or to such other avenues of investigation as dictated by that act.
- (4) If the Integrity Commissioner determines that he or she does not have jurisdiction as described in Section 21.(3) the Integrity Commissioner shall advise the Complainant/Applicant in writing accordingly.
- (5) The Integrity Commissioner may dispose of a Complaint or Application on the basis that it is not within the jurisdiction of the Integrity Commissioner in a summary manner and may do so confidentially or report same to Council. The Integrity Commissioner may also seek further information or clarification from the Complainant/Applicant and shall

endeavour to apprise the Complainant/Applicant of subsequent steps and the processing of the Complaint or Application and any ensuing investigation.

- (6) If the Integrity Commissioner is of the opinion that a Complaint or Application is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Integrity Commissioner may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the Complaint/Application in a summary manner. The Integrity Commissioner shall advise the Complainant/Applicant in writing of his or her decision and reasons for not undertaking an investigation or terminating it.
- (7) If the Integrity Commissioner has decided to commence an investigation (except where otherwise required by the *Public Inquiries Act, 2009*, if applicable), the Integrity Commissioner shall provide a copy of the Complaint or Application and supporting evidence to the Member whose conduct is in question with a request for a written response to be provided within ten (10) days. The Integrity Commissioner may provide the response from the Member to the Complainant/Applicant with a request for a written reply also within ten (10) days. A Complainant or an Applicant may request that his/her Complaint or Application remain anonymous and, if approved by the Integrity Commissioner, the name will not be released.
- (8) The Integrity Commissioner shall review the written responses and may, if necessary, discuss the matter with anyone that the Integrity Commissioner considers is relevant to the Complaint or Application. The Integrity Commissioner may access and examine any of the information described in subsections 223.4(3) and (4) of the *Municipal Act, 2001* and may access any City workplace relevant to the Complaint or Application, including any documents or records under the custody or control of the City.
- (9) Before finalizing a report to Council which recommends sanctions, the Integrity Commissioner shall provide the Member with the basis for his or her findings and any sanctions that may be recommended. The Member shall have the opportunity to comment further, either in writing, verbally or in person to the Integrity Commissioner on the proposed findings and sanctions.
- (10) Upon conclusion of a Complaint investigation, the Integrity Commissioner shall:
  - (a) issue a report to Council on the findings of the investigation and, where there is a finding of contravention, the report shall contain the detailed findings and any recommended sanctions or any settlement; and
  - (b) provide a copy of the final report to the Member at the same time as the final report is made available to the Clerk and to the Complainant and at the same time the report becomes public.
- (11) Upon conclusion of an Application investigation, the Integrity Commissioner may, if he/she considers it appropriate, apply to a Judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the Member has contravened Section 5, 5.1 or 5.2 of that act.
- (12) The Integrity Commissioner shall:
  - (a) advise the Applicant if he or she will not be making an Application to a Judge; and



- (b) after deciding whether or not to apply to a Judge, provide a written report to Council providing reasons for the decision.
- (13) The Integrity Commissioner's report on a Complaint or an Application shall be placed on an agenda for consideration at a public meeting of the Committee of the Whole or Council, in accordance with the Procedure By-law, as determined by the Clerk in consultation with the Integrity Commissioner.
- (14) The Integrity Commissioner should generally complete his investigation and provide any required report to Council within 90 days of the complaint or application being filed. If additional time will be required to complete the investigation and report, the Integrity Commissioner shall report to Council explaining the delay, and where possible advising of the projected completion date.

### **Election Blackout Period**

- 22.(1) No investigation shall be commenced or continued, nor shall the Integrity Commissioner report to Council respecting an investigation, and nor shall Council consider imposing sanctions regarding a Complaint, within the election period between nomination day and six (6) weeks after voting day. If an investigation is terminated on nomination day the Integrity Commissioner shall not commence another investigation in respect of the matter, unless the investigation is requested in writing by the Complainant/Applicant or the Member or former Member within six (6) weeks after voting day.
- (2) For the purposes of the October 2018 regular municipal election, the provisions contained in paragraph 23.(1)1 shall be interpreted as if the provisions of s.223.4 and 223.4.1 as amended were already in force.

### **Penalties**

- 23.(1) Upon receipt of a final report with respect to a Complaint and the recommendations of the Integrity Commissioner, Council may, where the Integrity Commissioner has determined there was a violation of the Code of Conduct, impose either of the following two (2) penalties:
  - (a) a reprimand; or
  - (b) suspension of remuneration paid to the Member in respect of his or her services as a Member for up to ninety (90) days.
- (2) Council may also take the following actions:
  - (a) removal from membership of a committee;
  - (b) removal as chair of a committee;
  - (c) request the repayment or reimbursement of monies received; or
  - (d) request the return of property or reimbursement of its value.

## Request for Decision

### New Council Procedure By-law

Presented To: Special City Council

Presented: Wednesday, Feb 06, 2019

Report Date: Wednesday, Jan 30, 2019

Type: Referred & Deferred Matters

### Resolution

THAT the City of Greater Sudbury approves the proposed changes to the City's Council Procedure By-law, as outlined in the report entitled "New Council Procedure By-law", from the General Manager of Corporate Services, presented at the City Council meeting on September 25, 2019;

AND THAT staff be directed to prepare the required by-laws.

### Relationship to the Strategic Plan / Health Impact Assessment

This report supports the key pillar of "Responsive, Fiscally Prudent, Open Governance".

### Report Summary

The report recommending the adoption of a new Council Procedure By-law appeared on the Council agenda of September 25th, 2018 and was deferred to January of 2019 for consideration by the new Council.

### Financial Implications

There are no financial implications associated with this report.

#### Signed By

**Report Prepared By**

Eric Labelle  
City Solicitor and Clerk  
*Digitally Signed Jan 30, 19*

**Financial Implications**

Jim Lister  
Manager of Financial Planning and  
Budgeting  
*Digitally Signed Jan 30, 19*

**Recommended by the Department**

Kevin Fowke  
General Manager of Corporate  
Services  
*Digitally Signed Jan 30, 19*

**Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Jan 30, 19*

Presented To:	City Council
Presented:	Tuesday, Sep 25, 2018
Report Date	Tuesday, Sep 04, 2018
Type:	Managers' Reports

## Request for Decision

### New Council Procedure By-law

#### Resolution

THAT the City of Greater Sudbury approves the proposed changes to the City's Council Procedure By-law, as outlined in the report entitled "New Council Procedure By-law", from the General Manager of Corporate Services, presented at the City Council meeting on September 25, 2018;

AND THAT staff be directed to prepare the required by-laws.

#### Relationship to the Strategic Plan / Health Impact Assessment

This report supports the key pillar of "Responsive, Fiscally Prudent, Open Governance".

#### Report Summary

This report recommends the approval of a new Council Procedure By-law to take effect concurrent with the commencement of the new term of Council on December 1, 2018.

#### Financial Implications

There are no financial implications associated with this report.

#### Signed By

##### **Financial Implications**

Jim Lister  
Manager of Financial Planning and  
Budgeting  
*Digitally Signed Sep 7, 18*

##### **Recommended by the Department**

Kevin Fowke  
General Manager of Corporate  
Services  
*Digitally Signed Sep 11, 18*

##### **Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Sep 11, 18*

## Background

The *Municipal Act, 2001*, requires that every municipality and local board have a procedure by-law which governs the calling, place and proceedings of meetings. Procedure by-laws are an essential tool guiding all aspects of the setting and conduct of meetings for a council. Over time, municipalities have developed and adapted by-laws that work best for their particular circumstances with a view to ensuring that meeting processes are efficient, orderly and promote good discussion and decision making.

The City's current Council Procedure By-law was passed approximately seven years ago and, while it has served us well during that time, it could benefit from some updates and improvements. A regular review of the by-law was included on the implementation plan for Council's Strategic Plan and this report advances the completion of that objective. As part of the process to revise the by-law, the City Solicitor and Clerk obtained and reviewed by-laws from a number of other municipalities in order to gain a better understanding of best practices in place in those municipalities. Earlier this year, the City Solicitor and Clerk, together with the General Manager of Corporate Services, consulted individually with a number of members of Council to gather any input they may have regarding Council procedure. This input, along with input received or accumulated from staff, was invaluable to the generation of a new draft during the Summer months.

The proposed new Council Procedure By-law is attached to this report in draft form for Council's review. While the document is still constructed and ordered in a way similar to the current by-law there are many changes, some of which are minor in nature. Wherever possible, more efficient wording has been used and redundancy removed. A number of paragraphs have been combined for efficiency and convenience. The result is a proposed by-law that is more concise and user friendly than its predecessor.

Members of Council are encouraged to review the draft by-law in its entirety, however, some of the more significant changes being recommended are summarized below as follows:

### Changes to Enhance Meetings and Agenda Preparation and Composition

- Temporary suspension of the rules of procedure to be by two-thirds majority vote rather than unanimous (Article 2.04).
- Amendment or repeal of procedure by-law to be by majority vote rather than two-thirds (Article 2.05).
- Authorization for the Clerk to make administrative corrections to minutes, by-laws and resolutions for the purpose of ensuring that they accurately reflect the proceedings (Article 2.09).
- Ability for Acting Deputy Mayor based on calendar month rotation to assist with other duties of Deputy Mayors where Deputy Mayors are unavailable (Article 3.08).
- Description of the role of a Chair (Article 4.01).

- Agendas will only be provided electronically unless paper copies are specifically requested by Members of Council and delivery shall only be to Members' offices at Tom Davies Square (Article 6.03).
- Reorganization of the order of some agenda items such as Members' Motions and Presentations by staff (Article 7.06).
- Other than for visiting dignitaries invited by Members, Community Delegations for any meeting shall be limited to two and shall relate to issues of municipal jurisdiction.
- Presentations by staff have been moved to later in the agenda immediately prior to Managers' Reports.
- Question period shall permit each Member to ask up to two questions for matters of municipal jurisdiction. Announcements have been removed (Article 18.01).
- In the event of an adjournment, prior to the adjournment being effective, the Members shall consider the By-laws and a resolution to deal with any Addendum on the agenda, where such items have not already been addressed (Article 21.04).
- The starting vote for each subsequent recorded vote shall alternate in ward order provided that each vote will end with the Chair (Article 29.05).

#### Changes Related to Committees

- Chairs and Vice-Chairs to be selected for term of Council rather than on an annual basis unless a Committee chooses to appoint for a shorter duration (Article 4.02).
- The portion of the current procedure by-law which contains the mandate and composition of Committees of Council has been removed and will appear in a separate By-law for Committees of Council and Advisory Panels, to be passed concurrently with the new Procedure By-law. The only significant change to the Committee mandates is that the Committee of Management for Pioneer Manor as required by the *Long Term Care Homes Act, 2007* is being included in the mandate of the Community Services Committee. In other words, elements previously dealt with by the Committee of Management will be included in meetings of the Community Services Committee and will be subject to ratification by City Council.
- The ability for Councillors that are not members of committees to participate but not vote on committees, with the exception of matters that involve public hearings in which case the consent of the Committee shall be required (Articles 9.10 and 31.09).

#### Changes Related to Motions

- Notices of Motion are renamed to Members' Motions (Article 11) and will be dealt with earlier in the meeting immediately after Community Delegations. Members' Motions will be included on agendas where provided in writing to the Clerk by 12 p.m. on the Monday two weeks prior to the meeting. Where a Member wishes to bring forward a motion for which notice has not been given (i.e. does not appear

on the agenda), it will be dealt with under Members' Motions after the motions for which notice has been given have been addressed. Motions for which notice has not been given will only be dealt with in circumstances of an urgent nature where the Members agree by two-thirds vote to dispense with notice.

- Motions to refer shall be debatable as to the advisability of the referral to such other body (Article 19.09).
- Motions to defer shall be debatable as to the advisability of the postponement of the matter being considered (Article 19.10).
- Motions to reconsider (Article 30) shall only be required to reconsider the core purpose and intent of a decision made in the last twelve months. Decisions that are beyond twelve months may be amended, varied or repealed by simple majority at the discretion of Council.

#### New Workshop Provision

- Workshops (Article 28) have been added for independent matters that relate to training and education and shall not require quorum. The agenda content for Workshops shall be limited to the educational content referenced and shall not deal with any matters that materially advance the business or decision-making of Council or a Committee.

Should Council approve the resolution, subject to any direction from Council, the draft Procedure By-law and the By-law respecting Committees of Council and Advisory Panels will be presented for passage by Council in November and would take effect on December 1, 2018 concurrent with the commencement of the new term of Council. This will allow for orientation of the new Council on the new procedures in December of 2018.

#### References

Current Procedure By-law 2011-235

[https://www.greatersudbury.ca/content/div\\_clerks/documents/Procedure%20by-law%20%202011-235.pdf](https://www.greatersudbury.ca/content/div_clerks/documents/Procedure%20by-law%20%202011-235.pdf)

**PROCEDURE BY-LAW 2018-xx**  
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## PART I. DEFINITIONS

### ARTICLE 1. TERMS DEFINED

In this by-law,

“Advisory Panel” means a body established by Council in accordance with Article 32 and composed mainly of stakeholders and citizens, the purpose of which is advisory or consultative in nature, and includes round tables, working groups and any other Council-appointed body, the majority of whose membership consists of individuals who are not Members of Council.

“Chair” means the Mayor or presiding officer at a Council or Committee meeting.

“Civic Petition” means a petition submitted to the Clerk or a Member of Council pursuant to Article 17.

“Clerk” means the Clerk of the City of Greater Sudbury, or that person’s delegate pursuant to section 228 of the *Municipal Act, 2001*.

“Closed meeting” means a meeting, or part of a meeting, that is not open to the public pursuant to section 239 of the *Municipal Act, 2001*.

“Committee” means a group composed only of Members of Council, who are appointed by Council to perform a function, or functions, and does not include a committee otherwise defined by statute.

“Community Delegation” means any citizen or group of citizens who represent a recognized community group or organization and who wish to make a presentation at a meeting to address existing or proposed municipal policies or initiatives.

“Consent Agenda” means those items on a Council or Committee agenda which are of a routine or repetitive nature, or are unlikely to require debate, and may be summarily dealt with in accordance with Article 14.

“Council” means the Council of the City of Greater Sudbury.

“Councillor” means a Member of Council of the City of Greater Sudbury, but does not include the Mayor.

“Deputy Mayor” means a Councillor appointed in accordance with Article 3.

“Friendly Amendment” means a proposal by a Member to make a minor amendment to a motion.

“Local Board” means a body or local authority established by statute or by-law that exercises authority with respect to the affairs or purposes of the Municipality, and is



composed of citizens, or citizens and Members of Council, provided the number of Council Members represents less than half of the Board's membership.

"Managers' Reports" means reports in the administratively accepted format prepared by staff for matters that are not of a routine nature and:

- (a) request direction or a decision of Council or a Committee; or,
- (b) may be for information only where the matter is of a substantive nature and will likely be subject to discussion or questions from the Members.

"Mayor" means the head of Council and Chief Executive Officer of the City of Greater Sudbury.

"Meeting" means any regular, special or other meeting of Council or a Committee where:

- (a) a quorum of members is present; and,
- (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of Council or a Committee.

"Member" means a Member of Council or a Committee and includes the Mayor, Deputy Mayor, Chair and Vice-Chair, as the case may be.

"Motion" means a question which a Member may bring forward for the consideration of the Members present, and may be:

- (a) procedural ("procedural motion") when it concerns the process, timing, manner or methodology of any matter; or
- (b) substantive ("substantive motion") for all other questions.

"Municipality" means the City of Greater Sudbury.

"Procedure By-law" means this By-law, as amended from time to time.

"Recommendation" means a proposed course of action suggested by a Committee or staff for decision by Council.

"Resolution" means the decision of Council on any motion.

"Vice-Chair" means a duly appointed Member who shall serve as Chair of a meeting where the Chair is absent or otherwise unable or unwilling to preside.

"Workshop" means a gathering of all Members of Council for training and educational purposes.

## PART II. GENERAL PROVISIONS

### ARTICLE 2. GENERAL

#### 2.01 Purpose

The City of Greater Sudbury hereby establishes its Procedure By-law in accordance with the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended. The rules and procedures contained herein shall apply to all meetings of Council and Committees, unless otherwise stated. The rules herein shall also apply to Local Boards with necessary modifications where such Local Board has not adopted its own rules.

#### 2.02 Basic Principles

The basic principles for the application of these rules are:

- (1) take up business one issue at a time;
- (2) promote courtesy, justice, impartiality and equality;
- (3) promote openness and the efficient conduct of meeting processes and,
- (4) while the majority rules, the rights of the individual, minority and absent Members are protected.

#### 2.03 Robert's Rules of Order

For purposes of interpreting this By-law or determining a proper course of action for matters that may arise that are not specifically contemplated by this By-law, the most recent edition of *Robert's Rules of Order* in existence at the time shall be referred to.

#### 2.04 Rules - Temporarily Suspended by Two-Thirds Majority

Any rules established by this By-law, other than a quorum requirement, may be temporarily suspended at, or for, a particular meeting with the consent of two-thirds of Members present and voting, provided that this does not result in a contravention of the *Municipal Act, 2001* or any other statute.

#### 2.05 Rules - Amendments

Any provision contained in this By-law may be repealed, amended, varied, or supplemented, provided that a notice of motion or staff report has been presented at an earlier regular Council meeting. This requirement may not be waived.

#### 2.06 Conflict - Rules of Procedure

In the event of any conflict between the provisions of this By-law and any other by-law of the Municipality concerning rules of procedure, the provisions of this By-law shall apply.

#### 2.07 Decision of Clerk Final

Any decision of the Clerk made pursuant to this By-law shall be considered final, unless overruled by Council or a Committee by majority vote.

## **2.08 French Language Policy**

Members and staff shall ensure that all communications are conducted in accordance with the Municipality's French Language Services Policy, where applicable.

## **2.09 Clerk - Administrative Corrections**

The Clerk is authorized to make corrections for technical, typographical or other administrative errors or omissions to minutes, resolutions and by-laws for the purpose of ensuring that Council and Committee records accurately reflect the proceedings.

## **ARTICLE 3. MAYOR/DEPUTY MAYORS**

### **3.01 Chair - Council Meetings**

The Mayor shall be the Chair of Council meetings.

### **3.02 Ex-Officio - Committees**

The Mayor shall be an ex-officio Member of all Committees and shall be entitled to vote as a Member of such Committees. The Mayor shall only be considered for the determination of the quorum requirements when he or she is in attendance at a Committee meeting.

### **3.03 Mayor - Member of Local Board**

Unless otherwise prohibited, when the Mayor is appointed by Council to be a Member of a Local Board, a Deputy Mayor may attend a meeting of the Local Board on the Mayor's behalf.

### **3.04 Appointment - Deputy Mayors**

At the earliest opportunity following a municipal election and at the middle of the term of Council, Council shall appoint two of its Members as Deputy Mayors, who may serve consecutive terms, to hold office for one half of Council's term or until their successors are appointed in accordance with this By-law.

### **3.05 Absence of Mayor**

A Deputy Mayor shall act from time to time in place of the Mayor, while the Mayor is absent or otherwise unable or unwilling to perform the duties of that office, or when the position of Mayor becomes vacant.

### **3.06 Deputy Mayor Schedule**

Deputy Mayors shall exercise such authority alternately by calendar month beginning in January with the Deputy Mayor representing the lowest Ward number.

### **3.07 Selection Consideration**

When appointing Deputy Mayors, Council shall attempt to ensure that at least one Deputy Mayor speaks both official languages.

### **3.08 Mayor and Deputy Mayors Absent - Acting Deputy Mayor Rotation**

Where both Deputy Mayors are unavailable to perform their duties pursuant to Article 3.05 or at a Council meeting where the Mayor and the Deputy Mayors are absent after five (5) minutes from the scheduled commencement time, an Acting Deputy Mayor shall be determined in numerical order by ward and the current calendar month. In other words, if the Council meeting is in the month of March, the Councillor for ward 3 would be Acting Deputy Mayor. Where the Councillor for the current calendar month is unable or unwilling to act then the Acting Deputy Mayor shall be determined by the next ward or wards chronologically.

## **ARTICLE 4. CHAIR AND VICE-CHAIR**

### **4.01 Role of Chair of a Meeting**

Without limitation to any other obligations or responsibilities contained elsewhere in this By-law for the Chair of a Meeting, the Chair's role generally includes the following:

- (1) Chairing the Meeting in an objective, efficient and orderly manner in accordance with this By-law and applicable legislation;
- (2) Enforcing the rules of decorum;
- (3) Ensuring that time limits for Members or persons speaking at Council or a Committee are followed;
- (4) Ruling on all points of order, questions of privilege and other matters under this By-law requiring a determination by the Chair at a Meeting;
- (5) Ensuring that all Members who wish to speak on a matter have spoken;
- (6) Ensuring that Members have sufficient clarity on a matter prior to a vote being taken;
- (7) Once discussion and debate for a matter is completed, putting the matter to a vote;
- (8) Voting on all matters unless prohibited by the *Municipal Conflict of Interest Act*, as amended; and,
- (9) Calling recesses where appropriate.

### **4.02 Committees - Appointment of Chair and Vice-Chair**

Committees shall appoint a Chair and Vice-Chair for the term of Council unless, by resolution, they choose a shorter period of appointment. Chairs and Vice-Chairs may serve consecutive terms.

### **4.03 Committee Meeting - Acting Chair**

If the Chair and Vice-Chair are not in attendance at a Committee meeting within five (5) minutes after its scheduled commencement time, the Clerk shall call the meeting to order and the Members shall by majority vote appoint an acting Chair from amongst themselves until the Chair or Vice-Chair arrives.

## **ARTICLE 5. MEETINGS - LOGISTICS**

### **5.01 Inaugural Council Meeting**

The inaugural meeting of Council shall take place at Tom Davies Square at the earliest opportunity at the beginning of the term of Council, on a date and time to be scheduled by the Clerk in consultation with the incoming Mayor.

### **5.02 Regular Council Meetings - Time, Date, Location**

Wherever possible, the Clerk shall schedule regular meetings of Council to be held on two Tuesdays each month during the months of January to June and September to November, inclusive, beginning at 6:00 p.m. at Tom Davies Square, or at a time and location determined by the Clerk.

### **5.03 Council Meetings - July, August, December**

During the months of July, August and December in each year, there shall be one regular meeting of Council to be held at a date, time and location determined by the Clerk.

### **5.04 Committee Meetings**

Committee meetings shall be scheduled in accordance with the City's by-law for Committees of Council and Advisory Panels, subject to the discretion of the Clerk.

### **5.05 Meetings of Council and Committees - July, August**

During the months of July and August, Council and Committee meetings shall be scheduled during the day and in the same week.

### **5.06 Meeting on Holiday**

The Clerk shall avoid scheduling regular meetings of Council or Committees on statutory and school holidays and days which involve other significant events.

### **5.07 Meetings during Election Period**

Except for the Planning Committee, and Council meetings scheduled to approve Planning Committee recommendations:

- (1) there shall be no meetings of Committees during the period between Nomination day and Voting day, inclusive, as defined in the *Municipal Elections Act, 1996*. S.O. 1996, c. 32, as amended; and
- (2) there shall be no meetings of Council during the weeks containing advance voting dates and the week of Voting Day, except to deal with any urgent matters that may require Council's attention during that period.

### **5.08 Approval of Schedules**

The Clerk shall provide the upcoming calendar year meeting schedules for Council and Committees for Council's approval.

**5.09 Special Meeting - Council - Summoned by Mayor**

The Mayor, in consultation with the Clerk, may summon a special meeting of Council to be held at such date, time and location determined by the Mayor.

**5.10 Special Meeting - Council - Summoned by Majority Petition**

The members of Council may, in consultation with the Clerk, summon a special meeting of Council, by way of petition signed by the majority of the Members of Council and setting out the purpose for the meeting and preferred date, time and location. No Councillor may subsequently remove his or her name from the petition once it is received by the Clerk.

**5.11 Special Meeting - Committees - Summoned by Chair**

Committee Chairs, in consultation with the Clerk, may summon a special meeting of their respective Committee to be held at such date, time and location determined by the Chair.

**5.12 Councillors' Seating Arrangement**

During Council meetings, Councillors' seats shall be arranged numerically according to Ward number, counter-clockwise beginning on the Mayor's right.

**5.13 Late Arrival - Early Departure - Noted by Clerk**

If a Member arrives at a meeting after the roll has been called, or leaves before the meeting has been adjourned, the Clerk shall note the Member's time of arrival or departure in the minutes.

**5.14 Staff Attendance**

Staff members shall attend such meetings as required in order to assist and support the Members.

**5.15 Cancellation of Meetings**

The Clerk, in consultation with the Mayor or applicable Committee Chair, may cancel any meeting prior to its scheduled commencement and shall provide appropriate notice of the cancellation forthwith.

**ARTICLE 6. NOTICE OF MEETINGS****6.01 Notice - Form - Agenda**

A meeting notice shall be in the form of an agenda, which shall make mention of the date, time and place for the Meeting.

**6.02 Clerk to Give Notice**

The Clerk shall give notice of each meeting to:

- (1) all Council Members;

- (2) the Chief Administrative Officer and appropriate staff members; and,
- (3) such other persons as the Chair of the meeting in question or the Clerk deems necessary.

### **6.03 Notice - Regular Meeting - Distribution**

Subject to Articles 6.04 and 6.06, the Clerk shall send the meeting notice electronically so as to be received by persons described in Article 6.02 not later than three calendar days immediately prior to the meeting date. The Clerk shall ensure that the agenda is posted to the Municipality's website prior to the meeting. Paper copies of agendas will be provided to Members only upon request and will be delivered to the Member's mailbox at Tom Davies Square.

### **6.04 Notice - Special Meeting - Distribution**

In the case of special meetings, the Clerk shall provide at least 24 hours notice to persons described in Article 6.02 except where, due to an emergency situation, such notice is not possible. In circumstances where a meeting of the Council or Emergency Governance Committee is required the Clerk shall attempt to inform each recipient outlined above of the date, time, place and purpose of the meeting by telephone, electronic mail or other means deemed by the Clerk to be expeditious and practical.

### **6.05 Notice Not Received - Validity of Meeting**

Failure of any person outlined herein to receive notice of a meeting shall not affect the validity of the meeting, nor any decisions, recommendations, or actions resulting therefrom.

### **6.06 Closed Meeting Reports**

Notwithstanding anything in this Article, all closed meeting agendas and reports shall be distributed in a manner that ensures confidentiality.

## **PART III. AGENDA**

### **ARTICLE 7. PREPARATION AND FORMAT**

#### **7.01 Clerk's Responsibility**

The Clerk shall prepare the agendas of all meetings of Council and Committees in accordance with the provisions contained in this Part, and shall distribute the agendas in accordance with Article 6.

#### **7.02 Items from Staff - CAO Approval**

The Clerk shall accept items for any agenda from staff in the administratively approved format. With the exception of reports from the Auditor General and the Integrity Commissioner, all staff reports are subject to the approval of the Chief Administrative Officer.

### 7.03 Revised Agenda

Following the delivery of notice as required by Article 6, should changed circumstances warrant a revision to the Agenda, the Clerk may make such revisions as are necessary up until 12 p.m. on the business day prior to the meeting, after which time changes will only be permitted at the meeting in accordance with Article 7.07.

### 7.04 Addendum - Permitted after Deadline if Urgent

An addendum may only be presented when one or more items arise after the deadline for preparation of the agenda and prior to the meeting which are of an urgent nature and require immediate consideration.

### 7.05 Addendum - Resolution Required

Before any addendum may be dealt with during a Meeting a resolution must be passed by a two-thirds majority of the Members present to waive notice provisions and deal with any or all of the items on the addendum.

### 7.06 Meeting Agenda Items and Order

Meeting agendas shall contain the following headings in the order shown below, however, the Clerk, in consultation with the respective Chairs, may exclude any headings deemed not relevant, except declarations of pecuniary interest.

(1) Moment of silent reflection	(10) Correspondence for information only
(2) Roll call	(11) Presentations by staff
(3) Declarations of pecuniary interest and the general nature thereof	(12) Managers' reports
(4) Public hearings	(13) Referred and deferred items
(5) Community delegations	(14) By-laws
(6) Members' Motions	(15) Addendum
(7) Matters arising from Closed Council meetings	(16) Civic petitions
(8) Matters arising from Committees	(17) Question Period
(9) Consent agenda:	(18) Continuation of closed meeting (incomplete items)
(a) Adoption of minutes;	(19) Matters arising from continuation of closed meeting
(b) Award of tenders and requests for proposals; and,	(20) Adjournment
(c) Routine management reports.	

### 7.07 Alteration of Agenda at a Meeting

Agenda items, including their order, shall not be altered at a meeting, unless otherwise decided by a two-thirds majority vote of the Members present.



**7.08 Items Not Considered - Next Meeting**

Any agenda items not dealt with at a meeting prior to its adjournment shall be placed by the Clerk on a subsequent agenda.

**PART IV. MEETINGS - AGENDA ITEMS ADDRESSED****ARTICLE 8. DECLARATIONS OF PECUNIARY INTEREST****8.01 Member to Disclose**

Prior to a particular matter being addressed, Members shall declare any pecuniary interests they may have, and the general nature thereof, in connection with that matter pursuant to the *Municipal Conflict of Interest Act*, as amended.

**8.02 Written Statement and Registry**

At a meeting or as soon as possible afterwards, Members shall file a written statement of the interest and its general nature with the Clerk on the standard form provided to Members for such purpose. The Clerk shall maintain a registry of the written statements filed by Members and the declarations recorded in the minutes of meetings and shall make the registry available for public inspection on the City's website.

**8.03 Closed Session**

Where a Member declares a pecuniary interest regarding a matter dealt with in closed session the Clerk shall include the declaration but not the general nature thereof in the minutes for the next open session meeting.

**8.04 Items to be Separated**

Where a Member declares a pecuniary interest regarding a matter that may be combined with other matters such matter shall be separated from the combined motion and voted upon separately.

**ARTICLE 9. PUBLIC HEARINGS****9.01 Rules - Precedence**

When a hearing is required by statute or by-law, the rules set out in this Article shall apply and shall take precedence over any other provision to the contrary in this By-law.

**9.02 Announcement by Chair**

The Chair shall commence the hearing by announcing the fact that the matter is a public hearing, describing the particular subject matter and the fact that any person who wishes to speak on the matter shall be allowed to do so.

**9.03 Order of Speakers**

The order of speakers shall be:

- (1) staff;
- (2) the applicant/appellant; and
- (3) anyone else who wishes to speak on the matter, including Members of Council who are not Members of the Committee hearing the matter.

#### **9.04 Time - Limitation**

Speakers will be limited to no more than 10 minutes to address the Members. Where it appears that a significant number of speakers wish to address the Members, the Chair shall encourage speakers to limit their presentations to 5 minutes to provide sufficient opportunity for all persons to be heard.

#### **9.05 Limitation on Motions**

Once a hearing has begun, no motion shall be read or voted upon until all persons wishing to address the hearing have had the opportunity to do so, with the exception of reasonable motions to recess and motions to adjourn and defer the hearing to a later date, where it is apparent, due to the significance of the matter and the number of speakers wishing to address the Members, that the hearing cannot be completed during the current Meeting.

#### **9.06 Members - Late Arrival - Early Departure**

Should a Member arrive after a public hearing has commenced, or leave before the public hearing is complete, the Clerk shall record this in the minutes and the Member shall take no part in the vote on any recommendation or motion for such public hearing.

#### **9.07 Deferral/Continuation**

Where a public hearing is to be deferred and continued at a later date, the Chair shall inform the persons present of the time and place of the continuation. Where the date and time for the continuation is not yet known, notices of the continuation shall be sent to every person who leaves his or her name and address with the Clerk and those persons who have already provided the Clerk with a written request for such notice.

#### **9.08 Conclusion of Hearing - Announcement**

The Chair shall conclude the hearing by announcing that the public hearing portion is complete and that the Members will now discuss and vote on the matter.

#### **9.09 Following Announcement - No Further Submissions**

Following this announcement, no further submissions shall be accepted by Members or staff from any applicant/appellant or members of the public, and the matter shall be discussed and voted on by all Members present for the public hearing.

#### **9.10 Participation by Non-Members**

With the consent of the Members of the Committee, Councillors that are not Members of a Committee may attend and take part in any discussion or debate regarding matters

that involve public hearings at such Committee meetings but shall not be permitted to vote.

### **9.11 Recommendation to Council**

Any ruling resulting from a hearing before a Committee shall be in the form of a recommendation to Council for a final decision.

### **9.12 Record of Proceedings**

The Clerk shall summarize in the minutes all evidence and representations given and all findings of fact made at a public hearing, collect any documentation presented during the hearing, record by ward number the names of all Members present and record their votes on all recommendations.

### **9.13 No Submissions while Discussing Minutes**

While discussing or confirming the recommendations from a public hearing or any resulting by-law, it is not in order for Council to hear from the applicant/appellant or any other person.

### **9.14 Post-Hearing Submissions**

Notwithstanding any other provision of this By-law, where a public hearing is complete, it is not in order:

- (1) for the Clerk to circulate written or oral submissions from the applicant or any other person that were not already presented during the hearing; and
- (2) for a Member to receive or circulate written or oral submissions from the applicant/appellant or any other person that were not already presented during the hearing.

### **9.15 Changed Planning Act Application - Whether Hearing Required**

If Council or the Planning Committee sees fit to consider an application pursuant to the *Planning Act*, as amended, that is materially different from the request originally applied for, Council or the Planning Committee shall first decide whether a further public meeting should be held.

## **ARTICLE 10. COMMUNITY DELEGATIONS**

### **10.01 Municipal Jurisdiction**

With the exception of where a Community Delegation is a visiting dignitary, community delegations may be included on an agenda by the Clerk where the subject matter is of municipal jurisdiction and relates to existing or proposed municipal policies or initiatives.

**10.02 Public Input already Received**

Community delegations will not be included on an agenda where opportunities for public input have been provided by way of open houses, public hearings, surveys or other forms of civic engagement.

**10.03 Which Body to Hear Delegation**

Community delegations shall be heard by a Committee or an Advisory Panel, as determined by the Clerk, unless:

- (1) the delegation includes a visiting dignitary;
- (2) the delegation is invited to present at a Council meeting by the Mayor or a Councillor; or
- (3) the subject matter or issue in question is already on Council's agenda or does not align with the mandate for any Committee,

in which case the delegation shall be heard by Council.

**10.04 All Requests to Clerk - Deadline**

Requests from community delegations shall be sent in writing to the Clerk at least three (3) weeks prior to the requested meeting date and shall describe the proposed subject matter and how the presentation relates to existing or proposed municipal policies or initiatives.

**10.05 Number of Community Delegations**

The number of community delegations at a meeting shall be limited to two.

**10.06 Determination of the Clerk**

On receipt of a community delegation's request, the Clerk shall decide whether the request is an appropriate item to be added to an agenda, and:

- (1) if it is, include it as an item on the agenda for the appropriate meeting, along with a copy of the request, and advise the delegation of the scheduled time and date for their presentation;
- (2) if it is not, so advise the delegation and, at the Clerk's discretion, provide Councillors with the community delegation's supporting documentation for their information; or
- (3) refer the request to staff for appropriate action.

**10.07 Finance and Administration Committee - Budget Impact**

Requests from community delegations that have a budget impact not included in the current year's budget shall be referred to Members of Council who may request by Motion that a business case for funding be prepared by staff for the following year's budget process.

### **10.08 Community Delegations - Procedure**

The following procedure shall apply to community delegations:

- (1) The Chair will call the community delegation to the podium.
- (2) Community delegations may have up to three representatives at the podium and shall have a maximum of ten minutes for their presentation subject to being provided with an additional five minutes by consensus of a majority of Council or the Committee.
- (3) The Chair shall advise the community delegation when there is one minute remaining and, once the initial or additional time has expired, the Chair shall inform the community delegation, following which the presentation shall immediately be concluded subject to any questions by Members.

### **10.09 Request by Community Delegation Immediately Prior to Meeting**

Prior to the commencement of a meeting, a community delegation may make a request to the Clerk to appear as a delegation respecting an item on the agenda. If, with the exception Article 10.04, the request otherwise complies with the requirements for a community delegation in this Article 10 the Chair shall ask the Members who may agree to hear the community delegation by a two-thirds majority vote.

### **10.10 Limit on Appearance of Community Delegations**

Once a community delegation has been heard by Council or a Committee, subsequent presentations by the same delegation on the same or substantially the same matter shall not be permitted within the same term of Council.

## **ARTICLE 11. MEMBERS' MOTIONS**

### **11.01 Notice of Motion - Submitted Prior to Meeting**

A Member's motion shall only be considered at a meeting where notice has been provided. Notice of a Member's motion shall be provided by submitting the notice of motion in writing to the Clerk by no later than 12 p.m. on the Monday two (2) weeks prior to the designated meeting whereupon it shall be included on the agenda.

### **11.02 Notice of Motion - During Meeting Without Notice**

A Member's motion may be submitted to the Clerk during a meeting without notice, in which case:

- (1) during the "Members' Motions" portion of the meeting, once the motions for which notice has been provided have been considered, the Chair shall have any other Members' motions read; and
- (2) the Member's motion shall be recorded in the minutes and placed on the agenda for the next regular meeting.

### **11.03 Motion without Notice**

In circumstances of an urgent nature, a Member may request that a Member's motion for which notice has not been provided be considered immediately if a vote dispensing with notice is supported by a two-thirds majority of Members present.

### **11.04 Withdrawal**

A Members' Motion shall be withdrawn if it appears on two successive agendas without being dealt with, unless the Members decide by majority vote to place it on a subsequent agenda.

## **ARTICLE 12. CLOSED MEETINGS**

### **12.01 When Closed Meetings Authorized**

At any point during a meeting, Council or a Committee may close a meeting or part of a meeting to the public in accordance with s. 239 of the *Municipal Act, 2001*, as amended, provided that the resolution states the intention to close the meeting, the grounds for closing the meeting and the general nature of the matters to be considered.

### **12.02 Scheduling**

Unless otherwise determined by the Clerk, closed meetings shall be scheduled immediately prior to the regular or special meeting of Council or a Committee and shall recess at least ten minutes prior to the time scheduled for the commencement of the regular or special meeting.

### **12.03 Incomplete Items**

Any matters not completed at the recess of the closed meeting shall be continued at the conclusion of the open meeting, or placed on the next closed meeting agenda.

### **12.04 Chair**

Closed meetings shall be chaired by:

- (1) the Deputy Mayor for Council meetings; and
- (2) the Vice-Chair for Committee meetings.

### **12.05 Discussion and Debate Limited**

During a closed meeting only those items set out in the resolution required by s. 239(4) of the *Municipal Act, 2001* may be discussed.

### **12.06 Speakers Not Limited**

The number of times a Member may speak on any question shall not be limited at a closed meeting, provided that no Member shall speak more than once until every other Member who wishes to do so has spoken.

**12.07 Motion for Adjournment Not Permitted**

A motion for adjournment shall not be permitted at a closed meeting.

**12.08 Voting**

Voting shall take place in open session, however Council may vote during a closed meeting pursuant to subsection 239(6) of the *Municipal Act, 2001* if:

- (1) the meeting was permitted or required by the *Municipal Act, 2001*; and
- (2) the vote relates to:
  - (a) a procedural matter; or
  - (b) directions or instructions to officers, employees, agents or persons retained by the Municipality.

**12.09 Resolution Required**

All votes under s. 239(6) of the *Municipal Act, 2001* shall be taken in accordance with the voting process set out in this By-law, as applicable, including the requirement of a mover and seconder and a written resolution.

**12.10 Completion - Reconvene Open Meeting - Report**

Upon completion of the closed meeting:

- (1) the Members shall immediately reconvene in open session;
- (2) the Chair of the closed meeting shall report the results thereof; and
- (3) if applicable, the Members shall vote on any resolutions emanating from the closed meeting.

**12.11 Disclosure**

No Member, officer, employee or agent shall disclose the content or deliberations of a closed meeting, unless:

- (1) expressly authorized to do so by a majority vote of the Members;
- (2) such disclosure is required to execute the specific direction(s) provided in the closed meeting, and then only to the extent that is necessary in the circumstances; or
- (3) as required by law.

**12.12 Electronic Devices**

All electronic devices shall be turned off during closed meetings with the exception of devices used by Members and staff to access electronic agendas or presentations for such meetings and for no other purpose.

## **ARTICLE 13. REPORTING BY COMMITTEE CHAIRS**

### **13.01 General**

A resolution shall be prepared to accept the recommendations from each Committee meeting.

### **13.02 Recommendations of Committees**

As part of the Council meeting agenda, each Committee Chair or designate will rise and provide a brief outline of the recommendation(s) being proposed to Council by their respective Committees, allowing for debate, following which the recommendation(s) will be voted on with one resolution. Members may pull any recommendation for separate vote.

### **13.03 Recommendations of Committees Conducting Hearings**

If the recommendations are from the Planning Committee, the Hearing Committee, or from any Committee that has conducted a hearing that is subject to the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended, and Council decides not to approve the recommendation(s), Council shall direct what course of action is to be taken and provide reasons in support thereof.

### **13.04 Items Lost on Tie Vote**

Items that are lost on a tie vote at Committees are to be reported to Council with no recommendation in order to allow Council the opportunity to discuss the matter and make a decision.

## **ARTICLE 14. CONSENT AGENDA**

### **14.01 Introduction by Motion**

The Clerk shall prepare one motion to approve all of the items contained in the consent agenda except where a Member has declared a pecuniary interest in which case any such matter shall be introduced and voted upon separately. Prior to voting, Members shall be given the opportunity to ask questions regarding any matter on the consent agenda.

### **14.02 Member Wishing to Debate and Pull for Separate Vote**

Any Member who wishes to debate and have a separate vote on any item(s) set forth in the consent agenda motion shall so advise the Chair, following which:

- (1) the item(s) shall be separated from the consent agenda motion;
- (2) the main consent agenda motion shall be voted on;
- (3) amendments to the separated item(s) may be proposed during the course of the debate; and,
- (4) each separated item shall be voted on individually.



**14.03 Adoption of Minutes - Council and Committees**

Minutes of Council and Committee meetings shall be prepared by the Clerk and adopted by Council for the sole purpose of confirming the administrative proceedings at such meetings. The correction of errors or omissions may be made by Council without debate.

**ARTICLE 15. PRESENTATIONS BY STAFF****15.01 Request to Clerk**

Staff members may request that the Clerk schedule a staff presentation on an agenda. Where there is a Manager's Report associated with the presentation, the report will be addressed concurrently with the presentation.

**15.02 Time Limit**

Subject to being provided with additional presentation time by Council or Committee for matters that involve significant or complex policies, projects or initiatives, staff presentations shall be limited to a maximum of ten minutes.

**ARTICLE 16. BY-LAWS****16.01 Details**

By-laws presented to Council shall include the following details:

- (1) the by-law's title and number;
- (2) the number of required readings if more than one is mandated by statute; and
- (3) except for by-laws confirming the proceedings of Council, the authority under which the by-law is being proposed or a descriptive annotation setting out the by-law's purpose.

**16.02 Introduction by Motion**

One motion shall be introduced to pass all of the by-laws without amendment or debate.

**16.03 Invitation to Debate**

The Chair shall then invite debate on any by-law(s) set forth in the motion to pass all of the by-laws and any Member wishing to debate one or more of the by-laws shall advise the Chair accordingly, following which the by-law(s) shall be separated from the motion. The motion will be voted upon followed by debate and voting on the separated by-law(s).

**ARTICLE 17. CIVIC PETITIONS****17.01 Submission to Member**

Citizens of the Municipality may submit civic petitions to a Member of Council, which may be introduced during the “Civic Petitions” portion of the agenda.

**17.02 Required Elements**

The civic petition must be in writing and:

- (1) be signed by at least two residents of the municipality;
- (2) set out the residential address of each petitioner;
- (3) indicate the name of one contact person and contact information for staff follow-up; and,
- (4) state the purpose of the petition which purpose shall be within the jurisdiction of the Municipality.

**17.03 Reference to Staff**

Unless otherwise directed by City Council, civic petitions received under this Article will be provided to the Executive Leadership Team members for their review and consideration.

**ARTICLE 18. QUESTION PERIOD****18.01 Questions - New and Relevant Matters**

Members may direct up to two questions each to staff regarding matters that are of municipal jurisdiction of an immediate nature not previously dealt with during the meeting.

**18.02 Answers - Immediate or Deferred**

When asked a question during question period staff shall:

- (1) answer immediately; or
- (2) indicate how the answer will be provided to the Member or Members.

**18.03 Information Requests to Staff**

Any request for information or reports made by a Member that, in the opinion of staff, will require more than two hours of staff time must receive the consent of the majority of Members present.

**18.04 Questions and Answers Not Recorded**

Questions and answers shall not be recorded in the minutes.

## **ARTICLE 19. MOTIONS**

### **19.01 Substantive Motions - General Rules**

The following rules apply to substantive motions:

- (1) In order to be heard, a motion must be signed by a mover and a seconder.
- (2) Following the introduction of the motion by the Chair, the mover and seconder may speak on the motion, in that order, prior to all other Members.
- (3) The mover and seconder must both be present at the time a vote is taken.

### **19.02 Motion - Waive Reading**

The Members may waive the reading of all or part of the motion by consent of the majority of Members present.

### **19.03 Mover and Secunder Need Not Support Motion**

A Member who moves or seconds a motion may vote in favour or against that motion.

### **19.04 Motions - Friendly Amendments**

After a motion has been read, a Member may propose a friendly amendment, following which the mover may:

- (1) accept the friendly amendment, in which case the motion shall be read incorporating the amendment; or,
- (2) reject the friendly amendment, in which case it may be presented as an amendment.

### **19.05 Motion that Vote be Taken**

A motion that a vote be taken may be made after each Member has had an opportunity to speak at least once on the motion being debated, following which:

- (1) the motion shall be put to a vote without debate; and
- (2) if carried by a majority of Members present, the substantive motion and any related amendments shall immediately be put to a vote without further debate.

### **19.06 Motion - Withdrawal**

A motion may be withdrawn by the Member moving it before it is read by the Clerk; however, after the motion has been read by the Clerk a motion may only be withdrawn by a majority vote of the Members present.

### **19.07 No Motions during Debate - Exceptions**

When a motion is under debate, no further motion shall be entertained other than a motion:

- (1) to refer;
- (2) to defer;
- (3) to withdraw the motion;
- (4) to amend;
- (5) that a vote be taken;
- (6) to extend the meeting time; or
- (7) to adjourn.

#### **19.08 Motion to Refer or Defer - Precedence**

A motion to refer or defer shall take precedence over any motion or amendment, except a motion to extend the meeting time or a motion to adjourn.

#### **19.09 Motion to Refer**

A motion to refer shall specify the body to which it would be referred and shall only be debatable as to the advisability of the referral to such other body.

#### **19.10 Motion to Defer**

A motion to defer must give a reason for the deferral and specify a time certain or the occurrence of an event when the matter must be returned to an agenda otherwise it will be included on the next regular agenda. A motion to defer shall only be debatable as to the advisability of the postponement of the matter being considered.

#### **19.11 Motion to Adjourn**

A motion to adjourn is not debatable and may be made at any time during a meeting except:

- (1) when another Member has the floor;
- (2) when a vote has been called; or
- (3) during the taking of a vote.

#### **19.12 Subsequent Motions to Adjourn**

If a motion to adjourn is defeated, another motion to adjourn shall not be made until after an intermediate proceeding has been completed.

#### **19.13 Amendments to Motions**

The following rules apply to amendments to motions:

- (1) An amendment to a motion or to an amendment must be similar in nature to the subject matter being addressed, with sufficient variance to constitute a different question, and cannot be a mere rejection of the motion.
- (2) For amendments to motions:

- (a) only one amendment at a time can be presented to a motion;
  - (b) once an amendment to a motion has been voted on, another amendment to the motion may be introduced; and
  - (c) an amendment to a motion cannot be withdrawn until any amendment to the amendment has been withdrawn or defeated.
- (3) For amendments to amendments:
- (a) only one amendment may be presented to an amendment; and
  - (b) once an amendment to an amendment has been voted on, another amendment to the amendment may be introduced.
- (4) The order of voting shall be:
- (a) an amendment to an amendment; then
  - (b) an amendment to a motion; then
  - (c) the motion, as amended.

#### **19.14 Procedural Motions**

The following procedural motions do not require a seconder and may be brought orally during a meeting:

- (1) to defer;
- (2) to refer;
- (3) to adjourn;
- (4) to withdraw a motion;
- (5) to extend the time limit for a Community Delegation or staff presentation;
- (6) to recess a meeting;
- (7) to report from a closed meeting;
- (8) to take a vote;
- (9) to make changes to the agenda pursuant to Article 7.07;
- (10) to overrule a decision of the Clerk; and
- (11) any other motion that is of a procedural nature.

### **PART V. MEETING RULES**

#### **ARTICLE 20. QUORUM**

##### **20.01 Majority Necessary**

The quorum required to commence and continue a Meeting shall be a majority of its Members.

**20.02 No Quorum - Automatic Adjournment - Fifteen Minutes**

If a quorum is not present within 15 minutes of the Meeting's scheduled commencement:

- (1) the Meeting shall stand adjourned until the next regular Meeting or until a special Meeting is called to deal with matters on the Meeting's agenda; and
- (2) the Clerk shall record the names of the Members present at the expiration of the 15 minute time limit and append this record to the agenda for the next Meeting.

**20.03 Alternate Members for Committee Quorum**

If a Committee quorum is not possible because of the absence of one or more of its Members, the following procedure shall apply:

- (1) With the exception of the Mayor, any Member present at the meeting who is not a Member of the Committee may, with his or her consent entered in the minutes, become an alternate Member of the Committee and will be counted to determine quorum.
- (2) If more than one Member is present, priority for selection will be determined in accordance with the rotation schedule for Acting Deputy Mayor as outlined in Article 3.08, beginning with the current month's Acting Deputy Mayor.
- (3) This process shall continue until sufficient alternate Members are appointed to achieve a quorum.
- (4) In the event that an absent Committee Member arrives after his or her alternate Member has been appointed, the alternate Member shall cease to be part of the Committee except where a public hearing is in progress in which case the alternate Member shall remain until such matter has been voted upon.

**20.04 Quorum - Meeting Called to Order**

Subject to Article 20.02, the Chair shall call the meeting to order as soon as a quorum is established following the meeting's scheduled start time.

**20.05 Loss of Quorum**

If at any time during the meeting a quorum is lost, the meeting shall automatically be recessed until a quorum is re-established unless:

- (1) the Chair first declares the meeting adjourned; or
- (2) the loss of a quorum continues for 15 minutes,

in which case the meeting shall stand adjourned either until the next regular meeting or until a special meeting is called to deal with the matters remaining from the adjourned meeting.

**20.06 Where Declarations of Conflict Affect Quorum**

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, as amended, are prevented from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then:

- (1) provided such number is not less than two, the remaining number of members shall be deemed to constitute a quorum; or
- (2) if such number is less than two, the process described in the *Municipal Conflict of Interest Act* shall apply.

**ARTICLE 21. ADJOURNMENT****21.01 Automatic Adjournment**

Subject to Article 21.03, all meetings shall automatically adjourn three hours after commencement if still in session, unless otherwise decided by a two-thirds majority of the Members present.

**21.02 Continuation - Automatic Adjournment Hourly**

Where, by Article 21.01, a meeting is authorized to continue past three hours, the meeting shall be automatically adjourned one hour later, unless the meeting is authorized to continue for further one-hour periods, with each period requiring the unanimous consent of all Members present.

**21.03 Exceptions - Planning and Finance and Administration Committees**

Despite Articles 21.01 and 21.02:

- (1) the Planning Committee shall adjourn automatically at 10:00 p.m. or after 4.5 hours, whichever is sooner, unless the meeting is authorized to continue for one hour periods, with each period requiring the unanimous consent of all Members present; and
- (2) during municipal budget deliberations, the Finance and Administration Committee shall not adjourn automatically.

**21.04 Matters to be Addressed before Adjournment Effective**

At a Meeting of Council, where a meeting has adjourned automatically or by a motion by any Member, prior to the adjournment being effective, the Members shall consider the By-laws and a resolution to deal with any Addendum on the agenda, if such items have not already been addressed.

**ARTICLE 22. RULES OF DEBATE****22.01 Chair - Speaking Before Debate**

The Chair may state relevant facts and his/her position on any matter before the commencement of debate.

**22.02 Chair - Speaking at Conclusion of Debate**

Without entering into further debate, the Chair may speak to close the debate on any matter after all Members wishing to speak have done so.

**22.03 Chair - Participation in Debate**

If the Chair wishes to participate in the debate, the Chair must leave the chair and call on the Deputy Mayor, Acting Deputy Mayor, Vice-Chair, or Acting Vice-Chair, as the case may be, to act in the Chair's place until the debate is closed. In such a case, the Chair waives his or her privilege to close the debate and the Member acting in the Chair's place may do so.

**22.04 Recognition by Chair - Acknowledgement of Speaker**

No person shall address a meeting without first being recognized by the Chair, following which all remarks shall be respectfully made through the Chair.

**22.05 Opportunity to Speak - Members of Council**

At Council meetings, a Member shall not speak more than once on a matter without the majority consent of the other Members, except:

- (1) in response to a question by another Member;
- (2) to explain comments which the Member believes have been misunderstood; or
- (3) in the case of the mover of a motion, in reply immediately prior to the Chair closing debate and after everyone else has spoken, however the right of reply does not apply to:
  - (a) movers of amendments; or
  - (b) the mover of the main motion if that Member has proposed an amendment.

**22.06 Speaking Time**

No Member shall speak or reply to a matter for longer than 10 minutes without majority consent.

**ARTICLE 23. DECORUM****23.01 General**

The following Rules of Decorum shall apply to Meetings, as indicated:



- (1) No person shall:
  - (a) speak disrespectfully of any other person or office;
  - (b) use offensive words or unparliamentary language;
  - (c) address remarks to anyone but the Chair;
  - (d) interrupt a person who has the floor;
  - (e) engage in disruptive or distracting behaviour in such manner as to interrupt the proceedings;
  - (f) come onto the Council floor or within the enclosure formed by the Member's Council tables during meetings, without permission from the Chair;
  - (g) display signs, placards or props; or
  - (h) disobey the rules set out in this By-law or rulings made by the Chair.
- (2) In addition to the above, no Member shall:
  - (a) speak on any subject other than the subject in debate;
  - (b) interrupt a person who has the floor, except to raise a point of order or information, or a question of privilege;
  - (c) leave his or her seat while a vote is being taken until the results are declared; or
  - (d) enter a meeting while a vote is being taken.

### **23.02 Consequence of Breach of Conduct - General**

Any person, except a Member, found to be in contravention of these rules of conduct is subject to exclusion from participation in, or expulsion from, the meeting by the Chair.

### **23.03 Consequence of Breach of Conduct - Members**

In the event that a Member persists in a breach of the rules of conduct after having been called to order by the Chair:

- (1) the Chair shall request a vote without debate as to whether that Member should be ordered to leave the meeting; and
- (2) if a majority of Members decides the question in the affirmative, the Member in question shall immediately comply.

### **23.04 Refusal to Comply**

Where a person found to be in breach of conduct refuses to comply with such a ruling, the Chair may adjourn the meeting without motion until such time as that Member has left the meeting.

**23.05 Apology**

If the Member in breach of conduct apologizes to the Members, he or she may be permitted to retake his or her seat if the Members agree by majority vote.

**23.06 Communication with Media**

To convey information relating to decisions and recommendations of Council or a Committee in open session, the Mayor or the Chair, as applicable, may communicate with the media in consultation with staff.

**ARTICLE 24. POINTS OF INFORMATION****24.01 Questions or Clarification - Previous Speaker or Staff**

A Member may, through the Chair, rise on a point of information to:

- (1) ask a previous speaker questions or seek clarification regarding that speaker's remarks; and
- (2) ask questions of staff during debate of any agenda item.

**ARTICLE 25. POINTS OF ORDER****25.01 Violation of Rules of Procedure**

A Member may, through the Chair, rise on a point of order where he or she believes that a violation of the rules of procedure has occurred.

**25.02 Member Speaking to Yield the Floor**

When a point of order is acknowledged by the Chair, any Member speaking at the time shall cease doing so until the point has been dealt with.

**25.03 Brief Explanation - Ruling**

The Member raising a point of order shall provide concise reasons for rising, following which the Chair shall issue a ruling.

**25.04 Appeal of Ruling**

The Chair's ruling shall be final, unless immediately appealed as follows:

- (1) the Member appealing shall state the reasons for the appeal;
- (2) the Chair may offer reasons in favour of upholding his or her ruling; and
- (3) the Members shall vote on the appeal without debate.

**25.05 Results of Appeal**

If the appeal is:

- (1) upheld, the Chair shall change the ruling accordingly; or

- (2) rejected, the ruling shall stand and no further avenues of appeal are allowed.

### **25.06 Proceedings Resumed**

Once the appeal has been dealt with the proceedings shall resume, subject to any changes resulting from the Chair's ruling or results of the appeal.

## **ARTICLE 26. QUESTIONS OF PRIVILEGE**

### **26.01 Rights, Privileges or Integrity Brought Into Question**

A Member may, through the Chair, rise on a question of privilege where he or she believes that the rights, privileges, or integrity of any person or office have been brought into question.

### **26.02 Member Speaking to Yield the Floor**

When a question of privilege is acknowledged by the Chair, any Member speaking at the time shall cease doing so until the question has been dealt with.

## **ARTICLE 27. PUBLIC INPUT MEETINGS**

### **27.01 Purpose**

The Clerk, as directed by Council or a Committee, may schedule a meeting for the purpose of receiving public comments on any matter and, if less than a quorum is present, no resolutions may be enacted at the meeting except for a motion appointing a Chair, if required, and a motion to adjourn.

### **27.02 Procedure**

Where Council has directed that a Public Input Meeting be held by Council or by a Committee, the following rules shall apply:

- (1) Prior to receiving public comment, the Chair shall briefly state the purpose of the public input meeting.
- (2) Staff will make any presentations as outlined in the agenda.
- (3) The Chair may allow a maximum of five minutes to each speaker, in order to allow as many persons as possible an opportunity to speak, provided however that members of a recognized group or community organization may only present one speaker.
- (4) When called to the podium, each speaker shall state his or her full name and comment on the matter in question.
- (5) Each speaker shall address all remarks to the Chair.
- (6) Speakers shall be heard in the following order:

- (a) those persons who have contacted the Clerk's Office prior to the close of the agenda to have their names placed on the speaker's list in the order that the names are received;
  - (b) those persons who have added their names to the speaker's list following the close of the agenda and prior to the start of the Public Input Meeting; and
  - (c) any person in the public gallery who has indicated his or her desire to address the Members through the Chair.
- (7) Upon the completion of a speaker's comments, a Member may ask the speaker a question for the purpose of clarification or for obtaining additional relevant information only.
- (8) No Member shall enter into debate with a speaker respecting his/her comments.

## **ARTICLE 28. WORKSHOP**

### **28.01 Provision of Notice**

Notice, in accordance with Article 6, of the date, time and location for a Workshop shall be provided by way of an agenda.

### **28.02 Content Limited**

Agenda content for a Workshop shall be limited to the educational content referenced and shall not include any other matters that materially advance the business or decision-making of Council or a Committee.

### **28.03 Resolutions Limited**

No resolutions shall be considered and voted upon in a Workshop with the exception of a resolution to appoint a Chair or a resolution to adjourn or recess.

### **28.04 Quorum not Required**

Quorum of Council is not required for the workshop to proceed.

## **PART VI. VOTING**

## **ARTICLE 29. GENERAL**

### **29.01 Voting Commenced - Discussions and Motions Prohibited**

Once a vote is duly called for by the Chair, no Member shall speak to the matter in question or present any motion until the vote has been taken and the result announced by the Clerk.

**29.02 Agenda Items with Options**

Where a report on an agenda contains options for Council or a Committee's consideration, such options shall be voted on as motions in the order in which they are presented in the report until one option is carried or until all options have been defeated or lost.

**29.03 All Members to Vote - Exception**

Regardless of the method of voting:

- (1) every Member present at a meeting, including the Chair, shall vote on the issue at hand unless prohibited by statute or this By-law; and
- (2) if any Member present refuses to vote or fails to vote, the Member shall be deemed to vote against the question unless prohibited by statute or this By-law.

**29.04 Method - Show of Hands**

Except where a recorded vote is requested pursuant to Articles 29.05 or 29.06, voting shall be by a show of hands in favour or against, following which:

- (1) the Chair shall announce the result; and
- (2) the Clerk shall record only the result, and not whether Members voted for or against the question.

**29.05 Method - Recorded Vote**

Any Member may request a recorded vote immediately before or after the taking of a vote, following which:

- (1) the Clerk shall call on Members by name according to ward number, starting with ward 1, and thereafter the starting point for the taking of subsequent recorded votes will move to the next Member in ward order, provided however, that the vote will always end with the Chair;
- (2) each Member present who is not disqualified from voting by statute or this By-law shall announce his or her vote openly, in the order set out above; and
- (3) the Clerk shall announce and record the result of the vote, and record how each Member voted.

**29.06 Method - Simultaneous Recorded Vote**

Any Member may request a simultaneous recorded vote before the taking of a vote, following which:

- (1) each Member present, unless otherwise prohibited by statute or this By-law, shall on a sheet of paper provided by the Clerk, simultaneously mark in favour of or against the question and sign their respective names; and
- (2) the Clerk shall:

- (a) collect the sheets of paper;
- (b) announce the name and vote of each Member and the vote result;  
and
- (c) record the result, including how each Member voted.

### **29.07 Appointments to Committees, Boards, Advisory Panels or Groups**

Where the number of applicants for appointment to any Committee, Board, Advisory Panel or Group exceeds the number of positions available, unless Council directs otherwise, a simultaneous recorded vote shall be used with the following procedure for as many voting rounds as necessary:

- (1) Each Member may cast a vote for each position available and the Clerk shall read each ballot aloud and record each individual vote.
- (2) Applicants receiving a majority vote of Members present shall be recommended for appointment.
- (3) Applicants receiving no votes and the least amount of votes shall be excluded from further consideration unless this would result in insufficient applicants to fill the positions available.
- (4) If two or more applicants are tied with the least number of votes and their exclusion would result in insufficient applicants to fill the positions available the Committee shall decide by majority vote which of the tied applicants shall remain eligible for further consideration.
- (5) If it becomes apparent by reason of an equality of votes that no applicant can achieve sufficient votes to become a recommended applicant, then the Clerk shall make the selection by lot.

### **29.08 Majority Vote is Default**

A matter is passed when a majority of Members present vote in favour of it and a reference in this by-law to a vote shall be by way of majority unless otherwise stated.

### **29.09 Voting Calculation**

The following represents the required number of votes for a majority or a two-thirds majority:

<b>Members Present &amp; Voting</b>	<b>Majority</b>	<b>Two-thirds Majority</b>
<b>13</b>	<b>7</b>	<b>9</b>
<b>12</b>	<b>7</b>	<b>8</b>
<b>11</b>	<b>6</b>	<b>7</b>
<b>10</b>	<b>6</b>	<b>7</b>
<b>9</b>	<b>5</b>	<b>6</b>
<b>8</b>	<b>5</b>	<b>6</b>
<b>7</b>	<b>4</b>	<b>5</b>
<b>6</b>	<b>4</b>	<b>4</b>
<b>5</b>	<b>3</b>	<b>4</b>
<b>4</b>	<b>3</b>	<b>3</b>
<b>3</b>	<b>2</b>	<b>2</b>

### **29.10 Tie Vote - Deemed Lost**

In the event of a tie vote, the motion shall be deemed to be lost, except where otherwise provided by statute.

### **29.11 Result of Vote - How Recorded**

The Clerk shall record the result of votes as follows:

- (1) if passed, "Carried";
- (2) if not passed, "Defeated"; or
- (3) if tied, "Motion Lost".

### **29.12 Distinct Propositions - Request for Separate Vote**

When the motion under consideration contains distinct propositions, a Member may require that each proposition be voted on separately, provided the Members agree.

### **29.13 Member Not at Council Table**

A Member who is not at the Council table when the Chair calls for a vote shall not be entitled to vote.

## **ARTICLE 30. MOTION TO RECONSIDER**

### **30.01 Where Required**

A motion for reconsideration under this Article shall be required where a Member wishes to change the core purpose or intent of a motion decided in the last twelve (12) months. For clarity, a motion to change the core purpose or intent of a motion decided beyond the last twelve (12) months shall not require a motion to reconsider under this Article and may be done by way of a regular motion.

**30.02 Reconsider at Same Meeting**

A Member who voted on the prevailing side of a decision may bring a motion to reconsider at the same meeting at which the question to be reconsidered was dealt with and shall require the support of a majority of the Members present.

**30.03 Reconsider at Subsequent Meeting**

A Member who voted on the prevailing side of a decision may bring a motion to reconsider at a meeting subsequent to that at which the question to be reconsidered was dealt with and shall require the support of two-thirds of the Members present in order for the motion to be carried.

**30.04 Debate on Motion for Reconsideration**

Debate on a motion to reconsider shall be confined to reasons for or against reconsideration.

**30.05 Affirmative Vote - Next Order of Business - Exception**

If a motion to reconsider is carried, the decision to be reconsidered shall become the next order of business, unless the motion calls for a future definite date for the reconsideration.

**30.06 Limited to One Reconsideration**

Only one (1) motion to reconsider a decision shall be permitted within the 12 month period following the vote on the original question.

**30.07 No Delay of Action**

A notice of motion to reconsider any Council decision shall not operate to stop or delay any action in furtherance of that decision, unless Council so directs by a two-thirds majority vote.

**30.08 Reconsideration of Council Decision by Committee**

A Committee may reconsider any recommendation made by it however, once Council has ratified such recommendation or decided a motion, a Committee may not seek to reconsider the same issue, nor consider any other issue which could create a result inconsistent with Council's decision, unless a motion to reconsider is approved by Council herein or until the time period in Article 30.01 has expired.

**PART VII. COMMITTEES - ADVISORY PANELS****ARTICLE 31. COMMITTEES OF COUNCIL****31.01 Committees - List**

The Committees of Council are:

- (1) Audit Committee;



- (2) Community Services Committee;
- (3) Emergency Governance Committee;
- (4) Emergency Services Committee;
- (5) Finance and Administration Committee;
- (6) Hearing Committee;
- (7) Nominating Committee;
- (8) Operations Committee; and
- (9) Planning Committee.

### **31.02 Committee Mandates and Composition**

The mandate, primary objectives and composition for each Committee described in Article 31.01 and any other Committees established from time to time shall be as described in the City's by-law for Committees of Council and Advisory Panels, as amended from time to time.

### **31.03 Ad Hoc Committees - Motion to Establish**

Where the subject matter does not clearly relate to the mandate or scope of an existing Committee, Council may by by-law establish Ad Hoc Committees from time to time in order to consider specific matters.

### **31.04 Motion Requirements**

A motion to establish an Ad Hoc Committee shall include the name, membership, purpose, objectives and the term for the Committee provided that the term shall not exceed the term of Council.

### **31.05 Meeting Location**

All Committee meetings shall be held at Tom Davies Square, unless otherwise indicated by the Clerk.

### **31.06 Authority**

All Committees shall have the full authority to exercise or perform any power or duty delegated under this or any other by-law.

### **31.07 Committee Decisions not Binding on Council**

No decision of any Committee shall be binding on Council and, with the exception of the Emergency Governance Committee, no action shall be taken from that decision, unless Council adopts the Committee's recommendations.

### **31.08 Committee Appointments**

Council shall appoint Members to Committees and Boards as required at the earliest opportunity at the beginning of a new term of Council.

**31.09 Participation by Non-Members**

Subject to Article 9.10, Councillors that are not Members of a Committee may attend and take part in any discussion or debate at such Committee meetings but shall not be permitted to vote.

**31.10 Committee and Board Appointments - Term**

Unless otherwise indicated by Council or this By-law, the appointment of a Council Member to a Committee or Board shall coincide with the term of Council.

**ARTICLE 32. ADVISORY PANELS****32.01 Motion to Establish**

Council may by by-law establish Advisory Panels from time to time in order to consider specific matters.

**32.02 Motion Requirements**

A motion to establish an Advisory Panel shall include the name, membership, purpose, objectives and the term for the Committee provided that the term shall not exceed the term of Council.

**32.03 Composition**

Advisory Panels shall be composed of stakeholders and citizens recruited in a public and transparent manner and recommended to Council by the Nominating Committee. Members of Council may be included, provided they do not represent a majority of the Panel's Members.

**32.04 Appointment of Chair**

Advisory Panels shall, at their first meeting, appoint from among their Members a Chair.

**32.05 Filling Vacancies**

In the event that a position on an Advisory Panel becomes vacant and the number of remaining Panel Members falls below the number required in the establishing motion the Clerk shall proceed to fill the vacancy.

**32.06 Filling Vacancy - Method**

In order to fill a mid-term vacancy on an Advisory Panel, the following process shall be followed:

- (1) Where the number of applications received during the initial application process exceeded the required minimum number of positions, the Clerk shall present the applications that were not previously selected to the Nominating Committee for consideration.

- (2) Where there are insufficient applications for consideration, the opportunity shall be advertised and applications that are received will be presented to the Nominating Committee for consideration.

### **32.07 Role**

Advisory Panels shall provide advice, information and expertise to the Municipality through a designated Executive Leadership Team staff member, who shall then report this advice to Council, as appropriate.

### **32.08 Conduct of Meetings**

Meetings of Advisory Panels are informal, do not require agendas or minutes and are not required to follow the rules of procedure set out herein, except for the rules of conduct and decorum. Public notice of Advisory Panel meetings is not required.

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