

By-Law Number 2021-XX

**A By-Law to Provide Rules for Governing the Order and Procedures
of the Council of The Corporation of the City of Kingston, and to
Repeal By-Law Number 2010-1, Council Procedural By-Law, as
Amended, in its Entirety**

Passed: X

Whereas Subsection 238(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that Council shall pass a procedure by-law for governing the calling, place and proceedings of meetings; and

Whereas the Council of The Corporation of the City of Kingston deems it expedient to repeal and replace By-Law Number 2010-1, Council Procedural By-Law, as amended, which was passed on June 15, 2010;

Now Therefore Be It Resolved That the Council of The Corporation of the City of Kingston hereby enacts as follows:

SECTION 1: DEFINITIONS

Definitions

1.1 In this By-Law:

“Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or re-enacted from time to time.

“Addendum” means a listing of the items to be added to or withdrawn from a published Agenda.

“Agenda” means the written order in which business shall be conducted at a Meeting.

“Briefing” means a verbal update to Council or a Committee that is requested by Council or the Committee or initiated by staff.

“Chair” means the person presiding at a Meeting, and includes the Mayor, the Deputy Mayor, the Committee chair or vice-chair while they preside at a Meeting, or such other person as may be authorized to preside in their absence.

“Chief Administrative Officer” means the Chief Administrative Officer of the City, or their designate.

“City” means The Corporation of the City of Kingston.

“Clerk” means the City Clerk, or their designate.

“Closed Session” means that portion of a Meeting which is not open to the public.

“Committee” means a Standing Committee, advisory committee, legislated committee, or special purpose (*ad hoc*) committee established by Council, but does not include the Committee of the Whole.

“Committee By-Law” means City By-Law Number 2010-205, “A By-Law to Define the Mandate and Meeting Procedures for Committees Established by The Corporation of the City of Kingston”, as amended or re-enacted from time to time.

“Committee of the Whole” means a committee consisting of all Members of Council sitting as a Committee of the Whole.

“Confirmation By-Law” means a by-law passed at the conclusion of each Council Meeting confirming the actions of Council taken at that Meeting.

“Council” means the Council of The Corporation of the City of Kingston.

“Delegation” means one or more persons, who are not Members or staff, who address a Meeting in relation to a matter appearing on the Agenda or Addendum.

“Deputy Mayor” means a Member of Council who is appointed in accordance with the provisions of this By-Law to assist the Mayor in carrying out their duties and/or act in place of the Mayor when the Mayor is unable or refuses to act or the office is vacant.

“Electronic Device” means a cellular phone, pager, smart phone, personal digital assistant, smart watch, tablet, computer with a link to the internet, voice recorder, camera or any other similar piece of technological equipment.

“Hearing” means a Meeting hosted by staff, a Committee or Council to seek public input as required under legislation.

“Inaugural Meeting” means the first Meeting of a new Council after a regular election, as set out in the Act.

“Main Motion” means a Motion that is not incidental to any proceeding. The following Motions shall not be considered a Main Motion:

- (a) Motion to Defer;

- (b) Motion to Close Debate; and
- (c) Motion to Adjourn.

“Majority” means, for the purpose of voting, more than fifty percent (50%) of the Members present and voting, unless otherwise specified in this By-Law or by statute.

“Mayor” means the head of Council and shall include the Deputy Mayor when acting in place of the Mayor.

“Meeting” means any regular, special or other Meeting of Council or a Committee, where:

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

“Member” means, according to the circumstances, a member of Council, including the Mayor, or a member of a Committee, including the Chair.

“Motion” means a proposal, moved by a Member and seconded by another Member, to adopt, amend or otherwise deal with a matter before Council, Committee of the Whole or a Committee.

“Motion to Amend” means a Motion to alter or vary the terms of a Main Motion without materially changing its purpose.

“Motion to Close Debate” means a Motion to end debate and put the matter before Council, Committee of the Whole or a Committee for a vote by its Members.

“Motion to Defer” means a Motion to delay consideration of a matter until later in the same Meeting or to a future Meeting of Council, Committee of the Whole or a Committee in order to seek further consideration of the matter by a Committee, staff or another body.

“Notice of Motion” means a written notice given by a Member, advising Council or Committee that the Motion described therein will be brought forward at a subsequent Meeting.

“Pecuniary Interest” means a direct or indirect pecuniary interest within the meaning of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended or re-enacted from time to time.

“Point of Order” means a statement made by a Member during a Meeting regarding a departure from or contravention of the rules and procedures contained in this By-Law.

“Point of Personal Privilege” means a matter that a Member considers to impugn their integrity or the integrity of Council, Committee of the Whole, a Committee, or staff.

“Quorum” means greater than fifty percent (50%) of the total number of Members of Council, Committee of the Whole or a Committee, unless provided otherwise by statute.

“Recorded Vote” means the recording of the name and vote of every Member on a Motion during a Meeting, by either electronic or manual means.

“Regular Meeting” means a Meeting of Council, Committee of the Whole or a Committee approved by Council as part of an annual meeting schedule.

“Resolution” means a Motion that has been carried.

“Standing Committee” means a Committee of Members of Council appointed by Council to consider policy matters regarding the Committee’s mandate.

“Time Sensitive” means a situation in which the timing to initiate and/or complete a matter is paramount, but the time available to follow normal procedures or processes is insufficient.

SECTION 2: INTERPRETATION AND APPLICATION

Application of this By-Law

- 2.1 The rules and procedures contained in this By-Law shall be observed in all proceedings of Council, Committee of the Whole, and of Committees, subject to and in accordance with Subsection 5.1 of this By-Law.

Statutory Requirements

- 2.2 Notwithstanding any other provisions of this By-Law, where Council or a Committee convenes for the purpose of holding a Hearing, the provisions of the statute and the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended or re-enacted from time to time, shall govern the Hearing, as applicable.

Bourinot's Rules of Order

- 2.3 Those proceedings of Council or a Committee not specifically governed by the provisions of this By-Law shall be governed by the then-current edition of Bourinot's Rules of Order, where applicable.

Suspension of Rules and Procedures

- 2.4 Subject to Subsection 2.6 of this By-Law, the rules and procedures contained in this By-Law may be suspended by a vote of two-thirds of the Members present and voting at a Meeting.
- 2.5 The suspension shall only apply to the rule and/or procedure which is stated within the Motion to suspend and only during the Meeting in which such Motion to suspend was introduced.
- 2.6 Notwithstanding Subsection 2.4 of this By-Law, the following rules and procedures may not be suspended:
- (a) Quorum necessary for Meetings;
 - (b) the special Meeting rule set out in Subsection 6.9 of this By-Law;
 - (c) the Motion to Reconsider rule set out in Subsection 13.29(h) of this By-Law; and
 - (d) any rules or procedures that are set out by legislation.

Validity

- 2.7 In the event of a conflict between the provisions of this By-Law and the Act, or any other legislation, the provisions of the Act and legislation shall prevail, to the

extent of the conflict.

General Rules of Application

- 2.8 In this By-Law, the word “shall” is to be construed as mandatory.
- 2.9 In this By-Law, words in the singular include the plural and words importing masculine gender include all genders.

SECTION 3: CONDUCT AT MEETINGS

Role of Chair

- 3.1 The Chair shall be responsible for preserving order and decorum and ruling on Points of Order and Points of Personal Privilege. The Chair shall call Meeting participants to order for improper conduct in accordance with the rules and procedures set out in this By-Law. Where circumstances warrant, the Chair may recess or suspend a Meeting until order is restored and/or expel or exclude any participant that breaches the rules set out in this By-Law.

Addressing Members

- 3.2 All Members of Council, except the Mayor, shall be addressed as “Councillor [surname]”. The Mayor shall be addressed as “Mayor [surname]” or “Your Worship”.

Conduct of Members

- 3.3 All Members shall govern themselves according to the rules and procedures set out in this By-Law, the “Policy on Council/Staff Relations”, the “Member Code of Conduct”, and the “Respect in the Workplace Policy”, as amended or replaced from time to time.
- 3.4 All Members shall cooperate with the Chair in preserving order and decorum. A Member shall not:
- (a) by conversation or otherwise, disturb, delay or disrupt the conduct of business at the Meeting;
 - (b) interrupt another participant who is speaking, except to raise a Point of Order or Point of Personal Privilege;
 - (c) leave their seat or make any noise or disturbance while a vote is being taken or until the result of the vote is declared;
 - (d) engage in conduct that obstructs the deliberations and/or proper actions of Council, Committee of the Whole or a Committee or that negatively affects the observance of order and decorum among Members and the attending public;
 - (e) by words, tone, manner of speaking, or gesture, express any opinion or make any allegation that, directly or indirectly, reflects upon the character of any person or group or persons;
 - (f) speak on any subject other than the subject under debate;

- (g) criticize any decision of Council or Committee except in the context of a Motion to Reconsider;
- (h) speak disrespectfully of the Royal Family, the Governor General, the Lieutenant Governor of any Province, any member of the federal or provincial governments, another Member, staff or the public;
- (i) engage in debate with Delegations or presenters;
- (j) question the motives of another Member; or
- (k) disobey the rules and procedures of Council or a Committee or a decision of the Chair on questions of order or practice or the interpretation of the rules and procedures of this By-Law.

Exception

- 3.5 Subsection 3.4 of this By-Law shall not preclude a Member from expressing opinions on any policy related to the Government of Canada or the Province of Ontario.

Improper Conduct by Member

- 3.6 When a Member breaches a policy or rule set out in Subsection 3.3 or 3.4 above, the Chair shall call the Member to order and take one or more of the following actions:
- (a) ask the Member to stop the behavior;
 - (b) ask the Member to withdraw what was said;
 - (c) ask the Member to apologize; and/or
 - (d) decide that there was no breach of the rules and procedures set out in this By-Law.

Identification of a Breach of Conduct Rules

- 3.7 A Member, or, in the case of Subsection 3.12 of this By-Law, the Chief Administrative Officer or a member of the City's senior management, may ask the Chair to rule on an alleged breach of Subsection 3.3 or 3.4 of this By-Law.

Call to Order

- 3.8 A Member who has been called to order shall comply immediately, provided that the Member may challenge the ruling of the Chair and ask Council or the Committee to decide on the matter in accordance with Subsection 3.10 of this By-Law.

If Call to Order Fails

- 3.9 If previous attempts by the Chair to call the Member to order have failed, the Member may be ordered to leave their seat for the balance of the Meeting. In the event that the Member fails to vacate their seat, the Chair may expel or exclude the Member from the Meeting. If the Member apologizes, the Member may, by vote of a Majority of the Members present, be permitted to retake their seat.

Member may Challenge Ruling

- 3.10 Any Member ruled against by the Chair in accordance with this By-Law may, on announcement of the ruling, challenge the ruling of the Chair. The Member shall be permitted up to one (1) minute to describe the reason for the challenge followed by a one (1) minute response by the Chair, if required. No further debate shall be permitted. A Majority of the Members present and voting in favour of the challenge shall be required in order to overturn the ruling of the Chair.

Chair's Decision Final

- 3.11 Unless a Member challenges the Chair's ruling in accordance with Subsection 3.10 above, the ruling of the Chair is final.

Integrity of Staff Questioned

- 3.12 When the Chair considers that the personal integrity of any member of staff has been impugned or questioned by a Member, the Chair may permit the Chief Administrative Officer or a member of the City's senior management to make a statement to Council.
- 3.13 If a Member questions staff in an inappropriate manner, the Chair shall call the Member to order and take one or more of the actions described in Subsection 3.6 of this By-Law.

Absence of Member

- 3.14 The office of a Member of Council shall become vacant if the Member is absent from the Meetings of Council for three (3) consecutive months, unless the leave of absence is authorized by a Resolution of Council.
- 3.15 Subsection 3.14 of this By-Law shall not apply to a Member of Council who is absent for twenty (20) consecutive weeks or less if the absence is a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member in accordance with Subsection 259(1.1) of the Act. In such event, the Member shall provide the Clerk with written notice of the leave of absence in accordance with the "Policy for Pregnancy Leave and Parental

Leave for Members of Council”, as amended or replaced from time to time.

Conduct of the Public at Meetings

- 3.16 The following rules of conduct shall apply to members of the public, including, without limitation, Delegations, during a Meeting:
- (a) members of the public shall maintain order and quiet and shall not address Council or the Committee except with the permission of Council or the Committee;
 - (b) no person shall display signs, banners, emblems, flags, placards or similar material, applaud participants in debate or engage in conversation or other behaviour which may disrupt the proceedings of Council or the Committee;
 - (c) when invited to address Council or a Committee, no person shall use indecent, offensive or insulting language, or speak disrespectfully of the Royal Family, the Governor General, the Lieutenant Governor of any Province, any member of the federal or provincial governments, any Member of Council or a Committee, any member of staff, or of any individual;
 - (d) no person, with the exception of Members and staff, shall be allowed on the Meeting floor (within the Council horseshoe) during a Meeting without the permission of the Chair; and
 - (e) members of the public shall not bring into the Council Chamber or meeting room any food or drinks that, in the opinion of the Chair, are disruptive to the Meeting.
- 3.17 Any member of the public that breaches a rule of conduct set out in Subsection 3.16 above, or that otherwise disrupts a Meeting, will receive a warning from the Chair. If the conduct persists, the Chair may ask the member of the public to leave the Meeting. If the person does not leave the Meeting when requested by the Chair, the member of the public may be expelled or excluded from the Meeting.

Electronic Devices and Recording Equipment

- 3.18 All Electronic Devices shall be placed on an inaudible setting during any Meeting, with the exception of assistive devices or other accessibility provisions.
- 3.19 Attendees may audio and/or video record Meetings, except for Closed Session Meetings, provided that doing so is not disruptive to the Meeting or other attendees.

SECTION 4: ROLES AND RESPONSIBILITIES

Role of Council

- 4.1 In exercising its powers, Council shall:
- (a) represent the public and consider the well-being and interests of the City;
 - (b) develop and evaluate the policies and programs of the City;
 - (c) determine which services the City provides;
 - (d) ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
 - (e) ensure the accountability and transparency of the operations of the City, including the activities of the senior management of the City;
 - (f) maintain the financial integrity of the City; and
 - (g) carry out the duties of Council under the Act or any other applicable legislation.
- 4.2 Council shall determine the appropriate number of Committees, their membership, mandates and reporting practices, subject to the requirements of applicable legislation. The Committee By-Law shall outline the role and number of Committees.
- 4.3 No Member has the authority to direct or interfere with the performance of any work being done for the City by staff, a temporary worker, contractor or a consultant.

Role of the Mayor

- 4.4 The Mayor, as the head of Council, shall:
- (a) act as Chief Executive Officer of the City;
 - (b) preside over Council Meetings so that its business can be carried out efficiently and effectively, and shall:
 - (i) maintain order and preserve the decorum of the Meeting;
 - (ii) rule on procedural matters, without debate or comment;
 - (iii) receive and submit to a vote all Motions presented by Members that comply with the rules and procedures in this By-Law;

- (iv) decline to put to a vote Motions that do not comply with the rules and procedures in this By-Law, or which are not within Council's jurisdiction;
 - (v) announce the results of the vote on Motions;
 - (vi) expel or exclude from the Meetings any person that breaches the rules of conduct set out in this By-Law;
 - (vii) adjourn, suspend or recess a Meeting when it is not possible to maintain order;
 - (viii) close the Meeting when business is concluded or recess the Meeting as required; and
 - (ix) without limiting the foregoing, preside over the Meeting fairly and objectively without becoming actively involved in debates;
- (c) provide leadership to Council;
 - (d) provide information and recommendations to Council with respect to the role of Council described in Subsection 4.1 of this By-Law;
 - (e) represent the City at official functions;
 - (f) be the official spokesperson for the City on matters discussed in Closed Session until such time as those matters have been reported at an open Meeting of Council; and
 - (g) carry out the duties of the head of council under the Act or any other applicable legislation.

4.5 The Mayor, as Chief Executive Officer of the City, shall:

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

Role of the Deputy Mayor

- 4.6 The Deputy Mayor shall:
- (a) in the absence of the Mayor, preside at Meetings of Council and while so acting, the Deputy Mayor shall have all the powers and duties of the Mayor; and
 - (b) during a Meeting of Council, and at the request of the Mayor, take the chair and while so acting, the Deputy Mayor shall have all the powers and duties of the Mayor.
- 4.7 Pursuant to Section 23.1 of the Act, the Deputy Mayor is hereby delegated the authority to act from time to time when the Mayor is unable or refuses to act or the office is vacant to provide representation at Meetings or events, to sign legal documents pursuant to Subsection 16.2 of this By-Law, and to act in any other capacity as required to fulfill the obligations and requirements generally performed by the Mayor.

Appointment of Deputy Mayor

- 4.8 All Members of Council may offer to serve as Deputy Mayor for a two (2) month period.
- 4.9 At the beginning of the term of a newly-elected Council and as necessary thereafter, the following procedures shall be used to appoint the Deputy Mayor:
- (a) the Clerk shall invite Members who wish to serve as Deputy Mayor to submit their names by a specified deadline;
 - (b) at the next Council Meeting, the Clerk shall put the names of each Member who has expressed interest in serving as the Deputy Mayor on separate papers and shall draw names at random for each two (2) month period;
 - (c) the Clerk shall prepare the list of Members and the related two (2) month time period and shall establish a deadline by which any changes may be made, giving Members an opportunity to exchange service dates; and
 - (d) the Clerk shall include the list of Members and the time period when they will serve as Deputy Mayor on the Agenda for confirmation.
- 4.10 In the event that the Deputy Mayor is unable, for any reason, to act in place of the Mayor, Council shall appoint a Member of Council to act in place of the Mayor, and while so acting, the Member shall have all the powers and duties of the Mayor. In circumstances where an acting Mayor is required to serve prior to the next Regular Meeting of Council, the Mayor shall select an acting Mayor for

the time period for which that appointment is required. However, if the Mayor is unable, for any reason, to select an acting Mayor, a special Meeting of Council shall be held at the earliest possible opportunity for the purpose of appointing an acting Mayor.

Role of the Chief Administrative Officer

- 4.11 The Chief Administrative Officer shall be appointed by by-law and shall:
- (a) exercise general control and management of the affairs of the City for the purpose of ensuring the efficient and effective operation of the City;
 - (b) coordinate all reports and recommendations of the staff; and
 - (c) perform such other duties as are assigned by Council to the Chief Administrative Officer.

Role of the City Clerk

- 4.12 The City shall appoint a City Clerk by by-law who shall:
- (a) record, without note or comment, all Resolutions, decisions and other proceedings of Council;
 - (b) record the name and vote of every Member voting on any matter or question;
 - (c) keep the originals or copies of all by-laws and of all minutes of the proceedings of Council;
 - (d) carry out other duties of the Clerk required under the Act or any other applicable legislation and other duties assigned by Council to the Clerk;
 - (e) prepare the Agendas in electronic format;
 - (f) make Agendas available to the public and media following distribution to Members;
 - (g) consult with senior management of the City to ensure that the administrative processes related to Agenda preparation and distribution are comprehensive, efficient and cost-effective;
 - (h) attend or assign a designate to attend all Meetings of Council, Committee of the Whole and Committees;
 - (i) distribute a copy of all decisions, Resolutions, and directions of Council to appropriate members of staff, the public, and other agencies, boards, Committees and governments as required;

- (j) make such minor clerical, typographical or grammatical corrections in form to any by-law (in accordance with Subsections 16.4 and 16.5 of this By-Law), Motion, Resolution and/or minutes as may be required for the purpose of ensuring correct and complete implementation of the actions of Council;
 - (k) present an annual meeting schedule for consideration by Council in accordance with Subsection 6.4 of this By-Law; and
 - (l) serve as the head of the City for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended or re-enacted from time to time.
- 4.13 The Clerk may delegate in writing to any person, other than a Member, any of the Clerk's powers and duties under the Act or any other applicable legislation.
- 4.14 The Clerk may continue to exercise the delegated powers and duties, despite any delegation in accordance with Subsection 4.13 of this By-Law.

Role of the Deputy City Clerk

- 4.15 The City may appoint a deputy City Clerk to assist the Clerk in carrying out their duties and/or act in place of the Clerk when the Clerk is absent. While acting in place of the Clerk, the deputy City Clerk shall have all the powers and duties of the Clerk under this By-Law, the Act or any other applicable legislation.

SECTION 5: COMMITTEES

Application of this By-Law to Committees

- 5.1 The rules governing the procedures of Council and the conduct of Members as set out in this By-Law shall be observed in all Committees in so far as they are applicable or as otherwise provided for in the Committee By-Law.

Suspension of Rules and Procedures by Committee

- 5.2 Subject to Subsection 2.6 of this By-Law, the rules and procedures contained in this By-Law may be suspended by a Majority vote of the Committee Members present and voting at a Meeting, or as otherwise provided for in the Committee By-Law.
- 5.3 The suspension shall only apply to the rule or procedure which is stated within the Motion to suspend and only during the Meeting in which such Motion to suspend was introduced.

Mayor as *Ex-Officio* Member

- 5.4 The Mayor is an *ex-officio* Member of each Committee to which the Mayor is not specifically named and shall be counted for Quorum purposes and entitled to vote at such Meetings at which they are present, in accordance with the provisions of the Committee By-Law.

Council Appointments to Standing Committees

- 5.5 Council shall appoint Members to the Standing Committees in November of each year or as necessary.
- 5.6 A Member who is not a Member of a Standing Committee is entitled to attend and participate at any Committee Meetings, subject to Subsection 5.7 of this By-Law.
- 5.7 When attending a Meeting of a Committee to which a Member was not appointed, the Member shall not:
- (a) be counted for Quorum purposes; and
 - (b) move any Motion or vote on any matter.

Clerk to Preside at First Meeting

- 5.8 The Clerk shall preside at the first Meeting of each Committee in each calendar year for the purpose of electing the Chair of that Committee. Upon election, the Chair shall preside at the Meeting.

SECTION 6: TYPES OF MEETINGS

Inaugural Meeting of Council

- 6.1 The Inaugural Meeting of Council shall be held in accordance with the provisions of the Act.
- 6.2 The order of business at the Inaugural Meeting shall include:
- (a) oath of allegiance and declaration of office - Mayor;
 - (b) oath of allegiance and declaration of office - Members of Council;
 - (c) Motions related to the Inaugural Meeting;
 - (d) Mayor's inaugural address;
 - (e) Passage of Confirmation By-Law and any other relevant by-laws; and
 - (f) other ceremonial proceedings as deemed appropriate by the Mayor, Chief Administrative Officer, or the Clerk.

Regular Meetings of Council

- 6.3 Regular Meetings of Council shall be held on the first and third Tuesday of every month at 7:00 p.m. in the Council Chamber at City Hall, or at such other place as is specified in the Agenda, in accordance with the annual meeting schedule adopted by Council, except when:
- (a) otherwise directed by a Resolution of Council;
 - (b) the Mayor advises otherwise upon a minimum of forty-eight (48) hours' notice, other than in the event of a real or perceived emergency, when no notice is required; or
 - (c) a Meeting is cancelled pursuant to Subsection 7.4 of this By-Law.

Annual Meeting Schedule

- 6.4 By December of each year, the Clerk shall provide Council with a report setting out the exceptions to the Regular Meeting and Standing Committee meeting schedule for the upcoming year, including, but not limited to, March break, the summer schedule, and the Christmas break. Provision shall be made for Committee of the Whole Meetings to consider and adopt the annual operating budget and the capital budget.
- 6.5 The annual meeting schedule shall be posted on the City's website and shall be updated within twenty-four (24) hours of any changes being made to the schedule.

Committee of the Whole Meetings

- 6.6 Council may meet as Committee of the Whole to consider budget items, policy issues not included in the mandate of a Standing Committee, or any other matter it decides. Council may meet as Committee of the Whole during a Regular Meeting if it is included on the Agenda. Council may meet as Committee of the Whole during a Regular Meeting when it is not included on the Agenda by way of a Motion and an affirmative vote of at least two-thirds of the Members present and voting at the Meeting.

Special Meetings of Council

- 6.7 The Mayor may, at any time, call a special Meeting of Council by instructing the Clerk to issue a notice of special Meeting and giving at least twenty-four (24) hours' notice to the Members, except in emergency or extraordinary circumstances, in which case the Mayor may call a special Meeting without notice.
- 6.8 Upon receipt of a petition by a Majority of the Members, the Clerk shall call a special Meeting of Council for the purpose and at the time noted in the petition. The Clerk shall give at least twenty-four (24) hours' notice of the special Meeting to all Members, which notice shall include the date, time, place and business to be considered.
- 6.9 Only items disclosed on the Agenda for the special Meeting shall be considered and decided upon by Council at the special Meeting. Items may not be added to the special Meeting Agenda.

Town Hall Meetings

- 6.10 The purpose of a town hall Meeting is to allow members of the public to provide comment and input to Council as a whole. Town hall Meetings are not a statutory requirement of Council and are offered as an added opportunity for dialogue with the community, grounded in the principles of transparency, responsiveness, participation and collaboration.
- 6.11 A Majority of Members may petition the Clerk to hold a town hall Meeting.
- 6.12 During a town hall Meeting, the Chair may ask staff to provide information to the public or to answer a question raised by a member of the public.
- 6.13 Each member of the public may speak for up to three (3) minutes at a town hall Meeting. Time permitting, members of the public may speak a second time after everyone present has had an opportunity to speak.
- 6.14 At least two (2) weeks' notice shall be provided on the City's website prior to the town hall Meeting being held.

- 6.15 As a general rule, town hall Meetings shall be scheduled for at least two (2) hours.
- 6.16 At the call of the Majority of Members present, the town hall Meeting may be adjourned after the time allotted for the Meeting has passed or after everyone present has had at least one (1) opportunity to speak.
- 6.17 To ensure a welcoming, inclusive atmosphere in which all participants will be treated with respect and courtesy, town hall Meetings shall be subject to the applicable rules of conduct set out in Section 3 of this By-Law.

Public Consultation Meetings

- 6.18 Public consultation Meetings provide opportunities for:
- (a) the public to express their ideas, share their knowledge and experience and influence decisions related to various City policies, plans and projects; and
 - (b) staff, a Committee or Council to inform members of the public about a matter. To ensure a welcoming, inclusive atmosphere in which all participants will be treated with respect and courtesy, public consultation Meetings shall be subject to the applicable rules of conduct set out in Section 3 of this By-Law.

Electronic Meetings

- 6.19 For purposes of Sections 6.19 to 6.25 of this By-Law:
- a. “**Electronic Meeting**” means a Meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video teleconference, or via means of the internet), and with or without in person attendance;
 - b. “**Emergency**” means any period of time during which an emergency has been declared to exist in all or part of the City of Kingston under Sections 4 or 7.0.1 of the Emergency Management Act; and
 - c. “**Emergency Management Act**” means the Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E. 9, as amended or re-enacted from time to time.
- 6.20 A Regular Meeting or special Meeting, including a Closed Session, may be conducted by Electronic Meeting during an Emergency, in accordance with the following provisions and any Emergency Electronic Meeting Guide prepared by the Clerk.

- 6.21 Members participating in an Electronic Meeting have the same rights and responsibilities as if the Member was in physical attendance at the Meeting, including the right to vote.
- 6.22 A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a means to electronically access the open session of such Electronic Meeting.
- 6.23 The terms of this By-Law shall continue to apply to an Electronic Meeting, except that Sections 6.19 to 6.25 hereof, any Emergency Electronic Meeting Guide, and any provincial legislation or order shall prevail to the extent of any conflict.

Electronic Meetings Following an Emergency

- 6.24 The provisions of Sections 6.19 to 6.23 of this By-Law shall remain in effect for a period of six (6) months following the later of:
- a. the termination of the Emergency pursuant to Section 4 of the Emergency Management Act; and
 - b. the termination of the Emergency pursuant to Section 7.0.1 of the Emergency Management Act.

Electronic Participation in a Meeting by Staff, the Public

- 6.25 Notwithstanding anything to the contrary contained in this By-Law, during an in-person Meeting at which Members are required to be physically present, City staff and members of the public entitled to attend at the Meeting (including, without limitation, Delegations and presenters) shall have the right to participate in the Meeting via electronic means, subject to applicable laws and available technology."; and

SECTION 7: NOTICE OF MEETINGS

Notice to Members

- 7.1 The Clerk shall give notice of each Meeting to the Members by delivery of an Agenda identifying the date, time, location and matters to be considered at the Meeting.

Notice to Public

- 7.2 Notice of Meetings shall be given to the public by means of a notice posted on the City's website.

Non-Compliant Notices

- 7.3 Notice of a Meeting which is substantively given, but which is not otherwise in strict compliance with the provisions of this By-Law, shall not invalidate the holding of a Meeting or any actions taken at the Meeting, except as otherwise prescribed by legislation.

Cancellation of Meetings

- 7.4 Upon receipt of a petition by a Majority of the Members, the Clerk shall cancel or reschedule a Meeting upon notice delivered at least forty-eight (48) hours before the scheduled time of the Meeting, or on such other notice (if any) as is reasonable in the circumstances.

SECTION 8: AGENDA AND ADDENDUM

Preparation of Agenda

- 8.1 The Clerk shall prepare and deliver the Agenda for all Council and Standing Committee Meetings with the order of business listed as follows:
- (a) Call Meeting to Order;
 - (b) Roll Call;
 - (c) The Committee of the Whole “Closed Session” (if any);
 - (d) Report of the Committee of the Whole “Closed Session” (if any);
 - (e) Approval of Addendum (if any);
 - (f) Disclosure of Pecuniary Interest;
 - (g) Ceremonial Presentations;
 - (h) Delegations;
 - (i) Briefings;
 - (j) Petitions;
 - (k) Deferred Motions;
 - (l) Motions of Congratulations, Recognition, Sympathy, Condolences, Speedy Recovery, Etc.;
 - (m) Reports:
 - (i) CAO Consent, Recommend and Consider;
 - (ii) Planning Committee;
 - (iii) Heritage Kingston;
 - (iv) Administrative Policies Committee;
 - (v) Arts, Recreation and Community Policies Committee;
 - (vi) Environment, Infrastructure and Transportation Policies Committee;
 - (vii) Committees reporting to Council; and
 - (viii) Other Reports;
 - (n) Committee of the Whole Report;
 - (o) Information Reports; Information Reports from Members of Council;
 - (p) Miscellaneous Business;
 - (q) New Motions;
 - (r) Notices of Motion;
 - (s) Minutes;
 - (t) Tabling of Documents;
 - (u) Communications;
 - (v) Other Business;
 - (w) By-Laws; and
 - (x) Adjournment.
- 8.2 The business of Council or Committee shall, in all cases, be considered in the order in which it appears on the Agenda, unless otherwise directed by Council or Committee. Amendments to the order of business shall require an affirmative vote by a Majority of the Members present and voting at the Meeting. A Motion to amend the order of business shall not be amended or

debated.

Preparation of Addendum

- 8.3 After delivery of the Agenda, the Clerk, in consultation with the Mayor or Chief Administrative Officer, may amend the Agenda by way of an Addendum. The Addendum may be presented at the Council or Standing Committee Meeting.
- 8.4 Approval of the Addendum, if any, requires an affirmative vote of at least two-thirds of the Members present and voting at the Meeting.

Deadline for Submission of Materials

- 8.5 The deadline for material to be included on the Agenda shall be 12:00 p.m. one (1) week prior to the scheduled Meeting. Where such date is a holiday, the deadline shall be the first business day thereafter at 9:00 a.m.
- 8.6 The deadline for receipt of added materials to be included on the Addendum shall be 9:00 a.m. one (1) business day prior to the scheduled Meeting, subject to Subsection 12.54 of this By-Law.

Unfinished Business

- 8.8 Any matter on the Agenda or Addendum not disposed of by Council or Committee shall be placed on the Agenda for the next Regular Meeting unless a special Meeting is called sooner.

SECTION 9: QUORUM

Quorum

- 9.1 A Majority of Members constitutes a Quorum, unless provided otherwise in this By-Law or by statute.
- 9.2 A Quorum of Council is seven (7) Members.
- 9.3 Members shall notify the Clerk in advance if the Member is unable to attend a Council or Committee Meeting.

Lack of Quorum

- 9.4 If no Quorum is present fifteen (15) minutes after the scheduled commencement time, the Meeting shall stand adjourned until the next Regular Meeting, unless a special Meeting is called sooner. The Clerk shall record the names of the Members present.

Commencement of Meeting

- 9.5 As soon as there is a Quorum after the scheduled commencement time the Chair shall call the Members to order.

Leaving a Meeting

- 9.6 Subject to Subsection 3.4(c) of this By-Law, a Member that intends to leave a Meeting shall first swipe their electronic identity card in the meeting management console. Should the meeting management system be unavailable, the Member shall advise the Chair or Clerk before leaving a Meeting.

Loss of Quorum During Meeting

- 9.7 If Quorum is lost during a Meeting, the Chair shall request the Clerk to call a recess for a period of fifteen (15) minutes, or until a Quorum is present, whichever is sooner.
- 9.8 If there is no Quorum after fifteen (15) minutes, the Meeting shall stand adjourned and the Clerk shall record the names of the Members present. The Confirmation By-Law shall reflect all business conducted at the Meeting before a Quorum was lost. All unfinished business shall be carried forward to the next Regular Meeting, unless a special Meeting is called sooner.

Loss of Quorum due to Pecuniary Interest

- 9.9 Where the number of Members declaring a Pecuniary Interest results in a loss of Quorum, then, despite any other general or special act, the remaining Members shall be deemed to constitute a Quorum, provided that there are at least two (2) Members able to vote on the matter.

SECTION 10: DISCLOSURE OF PECUNIARY INTEREST

Member to Identify and Disclose

- 10.1 It shall be the responsibility of each Member to identify and disclose any Pecuniary Interest in any item or matter at a Meeting.

Actions Required - Generally

- 10.2 Where a Member, either on their behalf or while acting for, by, with or through another, has any Pecuniary Interest, in any matter and is present at a Meeting at which the matter is the subject of consideration, the Member shall, in accordance with the provisions of the *Municipal Conflict of Interest Act*:
- (a) prior to any consideration of the matter at the Meeting, disclose the Member's Pecuniary Interest and the general nature thereof;
 - (b) not take part in the discussion of, or vote on, any question in respect of the matter;
 - (c) not attempt in any way whether before, during or after the Meeting to influence voting on the matter; and
 - (d) at the Meeting, or as soon as possible afterwards, file a written statement of the Pecuniary Interest and its general nature with the Clerk or the secretary of the Committee, as the case may be.

Actions Required – Closed Session

- 10.3 At a Closed Session Meeting, in addition to complying with the requirements of the *Municipal Conflict of Interest Act* and Subsection 10.2 of this By-Law, the Member shall immediately leave the Meeting or the part of the Meeting during which the matter is under consideration.

Absence – Disclosure at Next Meeting

- 10.4 Where the Pecuniary Interest of a Member has not been disclosed by reason of the Member's absence from a particular Meeting, the Member shall disclose the Pecuniary Interest, and otherwise comply with Subsection 10.2 of this By-Law, at the first Meeting of the Council or Committee, as the case may be, which the Member attends.

Non-Compliance

- 10.5 The failure of one or more Members to comply with Subsection 10.2 of this By-Law shall not affect the validity of the Meeting in regard to the said matter.

Record of Disclosure

- 10.6 The Clerk shall record the particulars of any disclosure of Pecuniary Interest made by a Member, and this record shall appear in the minutes of that Meeting.

Pecuniary Interest Registry

- 10.7 Council and every Committee, as the case may be, shall establish and maintain a registry of each written statement of Pecuniary Interest filed in accordance with Subsections 10.2 and 10.4 of this By-Law. The registry shall be available for public inspection in the manner and during the time that Council or the Committee, as the case may be, may determine.

SECTION 11: CLOSED SESSION

Closed Session – Meeting may be Closed

- 11.1 Subsections 239(1) and (2) of the Act require that all Meetings of Council, Committee of the Whole and a Committee shall be open to the public, except that a Meeting or part of a Meeting may be closed to the public if the subject matter being considered is:
- (a) the security of the property of the City;
 - (b) personal matters about an identifiable individual, including staff;
 - (c) a proposed or pending acquisition or disposition of land by the City;
 - (d) labour relations or employee negotiations;
 - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the City;
 - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (g) a matter in respect of which Council or Committee may hold a Closed Session under other legislation;
 - (h) information explicitly supplied in confidence to the City by Canada, a province or territory or a Crown agency of any of them;
 - (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - (j) a trade secret or scientific, technical, commercial or financial information that belongs to the City and has monetary value or potential monetary value; or
 - (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City.

Closed Session – Education or Training Purposes

- 11.2 Subsection 239(3.1) of the Act provides that a Meeting of Council or of a Committee may be closed to the public if the following conditions are both satisfied:

- (a) the Meeting is held for the purpose of educating or training the Members; and
- (b) at the Meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council or Committee.

Closed Session – Meeting shall be Closed

11.3 Subsection 239(3) of the Act provides that a Meeting of a Council or of a Committee shall be closed to the public if the subject matter being considered is:

- (a) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the Council is the head of an institution for the purposes of that Act; or
- (b) an ongoing investigation respecting the City or a municipally-controlled corporation by the ombudsman appointed under the *Ombudsman Act*, R.S.O. 1990, c. O.6, as amended or re-enacted from time to time, an ombudsman referred to in Subsection 223.13(1) of the Act, or the investigator referred to in Subsection 239.2(1) of the Act.

Location of Closed Session Meetings

11.4 All Closed Session Meetings shall commence in the Council Chamber in an open Meeting, or at such other location noted on the Agenda. Council shall then resolve into the Committee of the Whole Closed Session and proceed to the Councillors' Lounge for the Closed Session or to another location noted on the Agenda.

Time of Closed Session

11.5 All Closed Session Meetings shall be held by the Committee of the Whole immediately preceding the Regular Meeting. The start time shall be established by the Clerk in consultation with the Mayor and Chief Administrative Officer based on the nature of the items of business on the Agenda.

11.6 In the event that the Closed Session Agenda items are not completed in the allotted time prior to the Regular Meeting, the Closed Session may be recessed. The recessed Meeting may then resume following completion of the Regular Meeting business items and prior to the passing of by-laws.

Closed Session Requires Resolution

11.7 Prior to Council or a Committee resolving into Closed Session, they shall

state by Resolution in an open Meeting:

- (a) that the Council or Committee will be holding a Closed Session;
- (b) the general nature of the subject matter(s) to be considered; and
- (c) the specific provision(s) under the Act under which each item of business is permitted to be considered in Closed Session.

New Business in Closed Session

- 11.8 If a Member wishes to introduce new business at a Closed Session, the new business must first be introduced in the open Meeting. Once Council or the Committee resolves into Closed Session, the Member shall expand further on the nature of the new business. The Majority of Members present shall determine, by vote, if the matter will be dealt with at that Meeting. No debate on the issue shall take place until the Motion to deal with the new business has been decided in the affirmative by a Majority vote of the Members present and voting.

Distribution of Confidential Material

- 11.9 The Clerk shall distribute all materials for a Closed Session Meeting by saving the meeting materials on the limited access portion of the Council network share drive on the City's computer network. Any Member of Council requiring a printed copy of any Closed Session material shall so notify the Clerk, in writing, setting out the specific information needed.

Closed Session Voting

- 11.10 In a Closed Session, Members may only vote:
- (a) on procedural matters;
 - (b) on Motions to rise, report and introduce a proposed recommendation on an open Meeting Agenda; and/or
 - (c) to give direction or instructions to staff or agents of the City, or persons retained by or under contract with the City.

- 11.11 Votes held in Closed Session shall be by a show of hands.

Record of Closed Session

- 11.12 The Clerk shall attend all Closed Session Meetings and record, without note or comment, the proceedings. The record shall indicate:
- (a) the matter(s) discussed;

- (b) the specific provision(s) under the Act permitting the Closed Session;
- (c) the Members and staff in attendance;
- (d) any declarations of Pecuniary Interest;
- (e) the disposition of the matter(s); and
- (f) the starting and concluding times for the Closed Session.

Reporting in Open Meeting

11.13 The Clerk or the Chair may report out in an open Meeting following the Closed Session and summarize the actions taken in the Closed Session.

Closed Session Confidentiality

11.14 Every Member shall comply with the confidentiality provisions of the “Member Code of Conduct”, as amended or replaced from time to time, with respect to the content of any matter, or the substance of deliberations, of a Closed Session.

Investigator Reports

11.15 Where Council is in receipt of a report from the ombudsman or an investigator reporting their opinion that a Meeting or part of a Meeting appears to have been closed to the public contrary to the provisions of Section 239 of the Act or the provisions of this By-Law, Council shall pass a Resolution confirming how it intends to address the report.

SECTION 12: ORDER OF BUSINESS, RULES AND PROCEDURES

Entrance of Mayor to Council Chamber

- 12.1 The Clerk shall lead the Mayor into the Council Chamber and ring HMCS Frontenac's bell. All present shall rise, if they are able, upon the Mayor's entrance into the Council Chamber.

Call to Order

- 12.2 The Meeting shall be called to order in accordance with Subsection 9.5 of this By-Law.

Roll Call

- 12.3 At the beginning of the Meeting, Members shall be recorded as being present by swiping their electronic identity card into the meeting management console. The Mayor shall ask the Clerk to confirm that a Quorum is present.

Committee of the Whole Closed Session Report

- 12.4 Where a Closed Session has been held in accordance with the Act and Section 11 of this By-Law, Council shall rise from the Committee of the Whole Closed Session with or without reporting pursuant to Subsection 11.13 of this By-Law.

Approval of Addendum

- 12.5 The consent of Council shall be required for the addition or withdrawal of the items listed on the Addendum for the Meeting in accordance with Subsection 8.4 of this By-Law. These items shall be the subject of one Motion. However, any Member may ask for any item(s) included in the Addendum to be separated from the Motion. The Addendum without the separated item(s) shall be put to a vote and then the separated item(s) shall be voted on separately.

Disclosure of Pecuniary Interest

- 12.6 All Members shall declare any Pecuniary Interest in accordance with this By-Law.

Ceremonial Presentations

- 12.7 Ceremonial presentations shall be limited to five (5) minutes.
- 12.8 There shall be a maximum of three (3) ceremonial presentations per Meeting.

Delegations

- 12.9 All Delegations shall self-register by completing the Delegation Request Form

on the City's webpage and submitting it to the Clerk before 4:00 p.m. on the day prior to the Meeting at which the Delegation desires to be heard. Delegations may not be registered by a third party.

- 12.10 A Delegation shall only address a Meeting with respect to an item on the Agenda or Addendum and shall confine their remarks to such item.
- 12.11 A maximum of three (3) Delegations may address a Meeting. Additional Delegations may be permitted by an affirmative vote of two-thirds of the Members present and voting on the matter. Such a Motion shall be decided without debate.
- 12.12 Audio-visual equipment may be used by a Delegation, provided a request for such equipment is included in the Delegation Request Form.
- 12.13 Each Delegation shall have a maximum of five (5) minutes to speak. The allotted time may be used by one (1) or more persons, as decided by the Delegation.
- 12.14 Notwithstanding Subsection 12.13 of this By-Law, representatives of senior levels of government appearing before Council or Committee shall have no time limitations placed on their Delegation.
- 12.15 Delegations may speak on a matter only once during the Meeting, unless new information has come forward, an error was made in the documentation presented, or incorrect statements were made during the previous debate of the Agenda item.
- 12.16 No Delegations shall be permitted on the following topics:
 - (a) labour relations or staff negotiations;
 - (b) planning applications that are before the Planning Committee prior to the date of a scheduled Hearing;
 - (c) matters upon which the Planning Committee has held its scheduled Hearing, but that have not yet been heard by Council;
 - (d) a Notice of Motion;
 - (e) litigation or administrative tribunal proceedings that are either expected to proceed, that are currently proceeding, or that have already been decided by a court or tribunal;
 - (f) tenders, requests for proposals or other procurement issues;
 - (g) any matter that is not within the jurisdiction of Council or Committee, as

determined by the Chair in consultation with the Clerk; and

(h) any matter that is properly the subject of a Closed Session.

12.17 Delegations are not permitted to address Council on a policy matter upon which Council has already made a decision within the previous twelve (12) months, unless Council has decided to reconsider the matter.

12.18 Members may only address a Delegation to ask a maximum of two (2) questions for clarification and shall not express opinions or enter into debate or discussion with a Delegation.

12.19 Members shall not pose questions to staff during a Delegation.

12.20 Delegations shall conduct themselves in accordance with the provisions of Subsection 3.16 of this By-Law.

Briefings

12.21 Briefings shall be permitted with respect to any item on the Agenda. Briefings shall be limited to ten (10) minutes, unless an extension has been recommended by the Chief Administrative Officer to the Clerk due to the importance of the subject.

12.22 Notwithstanding Subsection 12.21 of this By-Law, representatives of senior levels of government appearing before Council or Committee shall have no time limitations placed on their Briefing.

Petitions

12.23 The following requirements apply to every petition submitted to the City:

- (a) the petition must be addressed to the City and request a particular action within the authority of Council;
- (b) the petition must be legible, typewritten or printed in ink;
- (c) the petition must be appropriate and not contain improper language;
- (d) each signatory must print and sign their own name. A paper petition must contain original signatures only, written directly on the petition; and
- (e) for electronic petitions, each signatory must provide their name, address and a valid email address.

12.24 The Clerk shall list on the Agenda petitions that comply with Subsection 12.23 of this By-Law and that are received prior to the submission deadline specified in Subsection 8.5 of this By-Law.

12.25 A Member shall be permitted up to three (3) minutes to present a petition to Council and may request, without a Motion, that it be referred to a particular member of staff or a Committee for a report to Council.

12.26 Petitions may not be debated.

Deferred Motions

12.27 Motions that have been deferred from a previous Meeting shall be considered and voted on separately.

Motions of Congratulations, Recognition, Sympathy, Condolences, Speedy Recovery, Etc.

12.28 The following Motions may be moved and seconded by Members and presented by category:

- (a) Motions of congratulations;
- (b) Motions of special recognition, including awards, significant achievements, or special service to the community; and
- (c) Motions of sympathy, condolences, and speedy recovery.

These Motions shall be voted on as a whole.

12.29 The Motions referred to in Subsection 12.28 of this By-Law may be included on the Agenda or Addendum or may be presented by a Member to the Clerk at the Meeting for inclusion in the Agenda for that Meeting.

Chief Administrative Officer (CAO) Reports

12.30 Municipal staff reports shall appear on the Agenda in the form of CAO reports called consent, recommend, and consider reports.

CAO Consent Report

12.31 Items that will be placed on the CAO consent report include, but are not limited to, matters where no discussion is anticipated, and matters that are considered routine in nature. All items in the CAO consent report shall be the subject of one Motion, which is neither debatable nor amendable. However, any Member may ask for any item(s) included in the CAO consent report to be separated from the Motion. The CAO consent report without the separated item(s) shall be put to a vote and then the separated item(s) shall be voted on separately. All separated items are debatable and amendable.

CAO Recommend Report

- 12.32 All items in the CAO recommend report are debatable and amendable. Each item on the CAO recommend report shall be voted on separately.

CAO Consider Report

- 12.33 All items in the CAO consider report shall be put on the floor by way of a Motion. The Motion shall provide staff with Council's direction as to the action(s) to be taken with respect to the matter to be considered.

Committee Reports

- 12.34 All items in a Committee report shall be the subject of one Motion. A Member may ask for any item(s) included in the Committee report to be separated from the Motion. When an item is separated, all Members, including the Member who introduced the report, shall have the opportunity to speak to each separated item.
- 12.35 The Committee report without the separated item(s) shall be put to a vote and then the separated item(s) shall be voted on separately. Each separated item is debatable and amendable.
- 12.36 The Committee may request that any Committee report be discussed by Council in Committee of the Whole. Council shall decide by a Majority vote of the Members present whether or not to resolve into Committee of the Whole to discuss the Committee report.

Committee of the Whole Report

- 12.37 All items in the Committee of the Whole report shall be the subject of one Motion which is neither debatable nor amendable. A Member may ask for any item(s) included in the Committee of the Whole report to be separated from the Motion.
- 12.38 The Committee of the Whole report without the separated item(s) shall be put to a vote and then the separated item(s) shall be voted on separately. Each separated item is debatable and amendable.

Information Reports from Staff

- 12.39 Information reports may be submitted by staff in order to communicate information to Members and the public. Members may ask questions of staff with respect to the content of the information report(s).

Information Reports from Members

- 12.40 Information reports may be submitted by Members who have been appointed or elected to attend conferences or local board or Committee Meetings at the City's expense, in order to communicate information to other Members and the public.

Miscellaneous Business

- 12.41 Items of miscellaneous business shall be listed on the Agenda or Addendum and shall include such matters as: proclamations; Committee appointments or resignations; requests for City Hall illumination; requests for a flag raising; and Deputy Mayor appointments.
- 12.42 All items of miscellaneous business shall be the subject of one Motion which is neither debatable nor amendable. A Member may ask for any item(s) included under miscellaneous business to be separated from the Motion.
- 12.43 Items of miscellaneous business without the separated item(s) shall be put to a vote and then the separated item(s) shall be voted on separately.

New Motions

- 12.44 New Motions shall be considered and voted on separately.
- 12.45 Any Motion having budgetary implications shall be referred to staff or the appropriate Standing Committee for a report regarding such budgetary implications prior to the Motion being debated at Council or Committee.

Notices of Motion

- 12.46 A Notice of Motion may be introduced by the mover at a Regular Meeting for consideration at a subsequent Meeting.
- 12.47 Every Notice of Motion shall be in writing and shall have a mover and seconder before being submitted to the Clerk for inclusion on the Agenda. Once the Notice of Motion has been submitted to the Clerk for inclusion on the Agenda it may not be edited.
- 12.48 The Clerk shall place notices of Motion on the Agenda in the order in which they are received.

Minutes

- 12.49 The Clerk shall prepare the minutes of the Meeting with copies available to all Members. The minutes shall record:
- (a) the place, date and time of the Meeting;

- (b) the names of the Chair, the Members and staff in attendance;
 - (c) any declarations of Pecuniary Interest;
 - (d) the reading, if requested, correction and adoption of the minutes of the prior Meeting(s);
 - (e) each item considered by Council and the decisions of the Meeting, without note or comment; and
 - (f) the results of any Recorded Vote(s).
- 12.50 Unless otherwise decided by Council, the minutes of each Meeting shall be submitted to Council for confirmation or amendment at its next Regular Meeting or as soon thereafter as is reasonably practicable.
- 12.51 Once adopted by Council, the minutes shall be signed by the Chair and the Clerk.

Tabling of Documents

- 12.52 The Clerk shall list on the Agenda documents received from any local boards or agencies, including, but not limited to, meeting agendas or minutes and financial statements.

Communications

- 12.53 Every communication intended for presentation to Council or a Committee shall be legibly written, typed, or printed and signed by at least one (1) person giving their address. Anonymous communications will not be accepted.
- 12.54 The Clerk shall list on the Agenda those communications received prior to the submission deadline specified in Subsection 8.5. All communications received after such deadline shall be held over for consideration at a subsequent Meeting, unless they directly relate to items of business on the Agenda. Communications relating to a business item on the Agenda that are received prior to 2:00 p.m. on the day of the Meeting shall be included on the Addendum.
- 12.55 Subject to the submission requirements set out in Subsection 12.54 above, the Clerk shall also list on the Agenda, as a communication, any correspondence received from a Member in relation to any recommendation or Motion at the Meeting.
- 12.56 The Clerk shall note on the Agenda and Addendum the recommended disposition of each communication.
- 12.57 Members shall not debate any communication.

12.58 Council may refer a communication to staff or a Committee.

Communications from other Municipalities

12.59 Communications from other municipalities requesting endorsement or consideration of their resolutions shall be forwarded to the Mayor, the Chief Administrative Officer and the relevant commissioner of the City and may be added to the appropriate Council or Committee Agenda by any of the Mayor, the Chief Administrative Officer or the relevant commissioner.

Other Business

12.60 A Member may make a statement regarding events and issues or bring forward information or ask a question during this portion of the Meeting. A Member may bring forward a matter of other business when the item comes up on the Agenda. At a Committee Meeting, a Member's intention to add an item to other business shall be stated during the adoption of the Agenda at the start of a Meeting.

By-Laws

12.61 The Clerk shall include on the Agenda or Addendum a listing of all by-laws proposed for adoption. The listing shall include the proposed by-law number and title.

12.62 Every by-law shall be read twice at the Meeting at which it is introduced and read a third time and passed before it is signed by the Mayor and Clerk.

12.63 Notwithstanding the provisions of Subsection 12.62 above, the following by-laws may receive all three (3) readings at the same Meeting:

- (a) the Confirmation By-Law;
- (b) by-laws enacted pursuant to the *Planning Act*, R.S.O. 1990, c. P.13, as amended or re-enacted from time to time; and
- (c) by-laws for which staff have provided a written request for all three (3) readings at the same Meeting, and Council has approved such request.

Separate Vote

12.64 At the request of a Member, any by-law may be discussed and voted on separately.

Confirmation By-Law

12.65 The proceedings at every Meeting of Council, including proceedings in Closed Session, shall be confirmed through the Confirmation By-Law and every

Resolution and action thereof shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.

- 12.66 The Confirmation By-Law shall be given all three (3) readings and passed before Council adjourns.

Adjournment

- 12.67 All Regular Meetings shall stand adjourned when a Motion to Adjourn is carried pursuant to Subsection 13.7 of this By-Law.

SECTION 13: MOTIONS

Motion on Floor has Priority

- 13.1 When a Motion is under consideration, no other Motion may be received except a Motion to:
- (a) adjourn;
 - (b) extend the Meeting past 11:00 p.m.;
 - (c) recess;
 - (d) close debate;
 - (e) defer; or
 - (f) amend.

Requirement for Mover and Seconder

- 13.2 Council or Committee shall not debate any Motion until it has been moved and seconded. A Member may move a Motion in order to initiate discussion and debate and that Member may vote in opposition to the Motion. A seconder of a Motion may also vote against the Motion.

Motion by Chair

- 13.3 If the Chair wishes to propose a Motion, the Chair shall relinquish the chair until such time as the vote has been taken on the Motion.

Withdrawal of Motion

- 13.4 Once a Motion appears on the Agenda, the Motion is considered in the possession of Council or the Committee. The Motion may only be withdrawn before an amendment or a decision is made with the permission of Council or the Committee.

Motion to Adjourn

- 13.5 A Motion to Adjourn shall not be amended or debated and shall always be in order except when:
- (a) another Member is speaking;
 - (b) a vote has been called;
 - (c) the Members are voting;

- (d) a Motion to Close Debate has just been passed; or
 - (e) a Member has indicated to the Chair a desire to speak on the matter being considered.
- 13.6 A Motion to Adjourn shall take precedence over any other Motion and shall be put immediately, subject to Subsection 13.5 of this By-Law.
- 13.7 If a Motion to Adjourn carries, the Meeting shall immediately come to a halt, regardless of the stage of proceedings.
- 13.8 If a Motion to Adjourn fails, a new Motion to Adjourn shall not be made until the conclusion of the item that was being considered when the failed Motion to Adjourn was made.

Motion to Extend

- 13.9 A Motion passed by two-thirds of the Members present is required to continue a Meeting past 11:00 p.m.
- 13.10 A Motion to extend the Meeting shall not be amended or debated.
- 13.11 A Motion to extend the Meeting shall always be in order except when a Member is speaking or the Members are voting.
- 13.12 If a two-thirds vote is not achieved to extend the Meeting, Council shall consider any Time Sensitive items, and at 10:55 p.m., Council shall move directly to by-laws.

Motion to Defer

- 13.13 A Motion to Defer:
- (a) shall include the time, place, and a brief statement with respect to the purpose of the deferral;
 - (b) may only be debated with respect to time, place or purpose of the deferral;
 - (c) may direct the matter to a Committee, to staff, or elsewhere;
 - (d) may be made while the Main Motion or an amendment is on the floor, and takes precedence; and
 - (e) may be amended only to change the length of the deferral.
- 13.14 The mover of the Motion to Defer may speak to the Motion before the vote is taken.

- 13.15 When a Motion to Defer is passed, the matter to which it applies shall be removed from the debate along with any amendments that have been moved.
- 13.16 The matter to which the Motion to Defer applies shall not be reintroduced at Council or Committee until the time specified in the Motion to Defer.

Motion to Amend

- 13.17 A Motion to Amend:
- (a) may be debated;
 - (b) shall be made only to a Main Motion or to an amendment to a Main Motion;
 - (c) shall be relevant to the main question to be decided; and
 - (d) shall not be a direct negative to the main question.
- 13.18 If the Chair determines that a Motion to Amend is contrary to the Main Motion, the Chair shall advise the Members immediately. A Member may challenge the ruling of the Chair to Council or the Committee. If there is no challenge, the decision of the Chair shall be final. If there is a challenge, Council or the Committee shall vote on the Chair's ruling without debate and its decision shall be final.
- 13.19 Only one Motion to Amend shall be on the floor at any given time and debate shall be confined to the amendment. When that question is settled, another Motion to Amend may be made. Once all the amendments have been settled, a vote shall take place on the Main Motion, or if any amendments have carried, on the Main Motion as amended.
- 13.20 A Motion to Amend shall be submitted in writing to the Clerk.

Motion to Close Debate

- 13.21 A Motion to Close Debate shall not be amended or debated.
- 13.22 A Motion to Close Debate requires an affirmative vote by two-thirds of the Members present and voting on the Motion.
- 13.23 If the Motion to Close Debate carries, then the vote is to be taken without further debate or comment.

Motion to Recess

- 13.24 A Member may move a Motion to recess at any time during a Meeting, but not so as to interrupt a speaker or during a vote.

- 13.25 A Motion to recess:
- (a) is not debatable;
 - (b) shall specify the length of the recess; and
 - (c) may only be amended with respect to the length of the recess.
- 13.26 A Motion to recess requires an affirmative vote by a Majority of the Members present and voting on the Motion.
- 13.27 The Chair shall call for a five (5) minute recess at an appropriate time in the Meeting, approximately two (2) hours after the commencement of the Meeting, for a wellness break. Should the Meeting extend beyond 11:00 p.m., the Chair shall call for a second five (5) minute recess at an appropriate time.
- 13.28 The Chair may recess or adjourn a disorderly Meeting that cannot be brought to order without the need for a Motion to recess or a vote.

Motion to Reconsider

- 13.29 A Motion to Reconsider:
- (a) is not debatable; however, the mover and seconder of a Motion to Reconsider may provide a brief and concise statement outlining the reasons for proposing such reconsideration;
 - (b) is not amendable;
 - (c) may be made at the same Meeting at which the original Motion was decided;
 - (d) made at the same Meeting at which the original Motion was decided shall require a Majority vote regardless of the vote necessary to adopt the Motion;
 - (e) made at a Meeting subsequent to the Meeting at which the original Motion was decided shall require an affirmative vote by two-thirds of the Members present and voting on the Motion;
 - (f) shall be submitted in writing to the Clerk and printed on the Agenda;
 - (g) shall not be in order if the action approved in the Motion to Reconsider cannot be reversed or if the original Motion has been implemented, resulting in a legally binding commitment that is in place on the date that a Motion to Reconsider is being debated;
 - (h) may be brought forward only once in the twelve (12) month period from the

date the Motion or matter was first decided;

- (i) may only be made by a Member who voted on the prevailing side of the decision proposed for reconsideration; and
- (j) suspends action on the Motion to which it applies until the Motion to Reconsider has been decided.

13.30 When a matter previously decided is brought before a succeeding Council, it shall be deemed new business and not a matter of reconsideration.

13.31 If a Motion to Reconsider carries, reconsideration of the decided matter shall be the next order of business. Debate on the matter being reconsidered shall proceed as though it had never previously been considered.

13.33 A notice of reconsideration from the Local Planning Appeal Tribunal (or any replacement thereof) shall not be deemed a reconsideration of a Council decision for the purposes of this By-Law.

Motions not on the Agenda

13.34 A Motion may only be added to the Agenda with an affirmative vote by two-thirds of the Members present and voting on the Motion.

SECTION 14: RULES OF DEBATE

Commencement of Debate

14.1 To begin debate, the Chair shall read the Motion aloud.

Motion may be Read at any Time

14.2 A Member may request that the question or Motion under discussion be read aloud at any time during the debate but not so as to interrupt a Member who is speaking.

Mover Speaks First and Last

14.3 The mover of the Motion may speak first or at any time during the course of debate and may also reserve the right to speak last.

District Councillor Speaks after Mover

14.4 When a Motion or issue being debated relates specifically to one district, the district councillor shall be given the opportunity to speak to the issue immediately after the mover of the Motion, or first if the mover decides not to speak first.

Recognition of Member

14.5 Every Member desiring to speak shall indicate so by raising their hand. Before a Member may speak to any matter, they shall first be recognized by the Chair.

Speaking Order

14.6 The Chair shall maintain a speaker's list of those Members who have signaled the Chair that they wish to speak, and shall recognize such Members in the order in which they appear.

Speaking Limitations

14.7 No Member shall speak more than once on an item of business, unless otherwise decided by a Majority vote of the Members present and voting. Members shall only speak on the subject in debate and shall be limited to five (5) minutes. A Member's speaking time shall not include any time required for staff to respond to that Member's question.

Exception for Committee of the Whole

14.8 When meeting as Committee of the Whole, a Member may speak more than once to an item of business. The Chair shall give each Member the chance to speak before allowing a Member to speak again.

Division of the Question

- 14.9 If a question has been divided pursuant to Subsection 15.6 of this By-Law, each part or proposal shall be debated separately.

Questions by Members

- 14.10 When a Motion is under debate, a Member may ask concisely worded questions of another Member, or of staff, through the Chair.

Points of Order and Points of Personal Privilege

- 14.11 A Member may raise a Point of Order or Point of Personal Privilege at any time, whereupon the Chair shall:
- (a) interrupt the matter under consideration;
 - (b) ask the Member raising the Point of Order or Point of Personal Privilege to state the substance of and basis for the Point of Order or Point of Personal Privilege; and
 - (c) rule on the Point of Order or Point of Personal Privilege immediately without debate.
- 14.12 To raise a Point of Order or Point of Personal Privilege, a Member shall ask the Chair for permission to speak. Once recognized, the Member shall state the reason for raising a Point of Order or Point of Personal Privilege, provided that the Member shall not enter into any argument or introduce any Motion related to the Point of Order or Point of Personal Privilege. The Member shall have a maximum of one (1) minute in which to speak.
- 14.13 A Member may challenge the ruling of the Chair to Council or the Committee, which will then decide on the challenge, without debate, by way of a Majority vote of the Members present and voting. If there is no challenge, the ruling of the Chair shall be final.

Ceding to Points of Order or Personal Privilege

- 14.14 When a Member raises a Point of Order or a Point of Personal Privilege, any Member who has the floor shall stop speaking until the Chair has resolved the matter.

Chair Participation

- 14.15 During debate, the Chair may ask or answer questions and comment in a general way without leaving the chair.

- 14.16 If the Chair wishes to make a Motion or to speak to a Motion taking a definite position and endeavouring to persuade the Members to support that position, then the Chair shall first leave the chair, and shall designate another Member to take their place until the Chair resumes the chair.

SECTION 15: VOTING

Requirement to Vote

- 15.1 Every Member present at a Meeting where a question is put shall vote on the question, unless the Member declares a Pecuniary Interest, in which case the Member shall recuse themselves from the vote.

Failure to Vote – Deemed Negative

- 15.2 If any Member present does not vote when a question is put, they shall be deemed to have voted in the negative, except where the Member is recused from voting by reason of a Pecuniary Interest.

Method of Voting

- 15.3 Members shall vote by raising their hand, except where a Member has requested a Recorded Vote, in which case voting shall occur in accordance with Subsection 15.13 of this By-Law. In the case of electronic voting, Members shall enter their vote into the meeting management console.

No Secret Voting

- 15.4 No vote shall be taken by ballot or by any other method of secret voting.

Voting Order

- 15.5 Voting on a Motion and any amendments to the Motion shall be conducted in the following order:
- (a) a Motion to Amend a Motion to Amend the Main Motion;
 - (b) a Motion (as amended or not) to Amend the Main Motion; and
 - (c) the Main Motion (as amended or not).

Division of the Question

- 15.6 Upon the request of any Member, and when the Mayor or Chair is satisfied that the Motion under discussion contains distinct proposals or parts, the question may be divided, and the vote on each proposal or part shall be taken separately.

Putting Motion to a Vote

- 15.7 A Motion shall be put to a vote by the Chair immediately after all Members desiring to speak on the Motion have spoken.

- 15.8 After a Motion is put to a vote by the Chair, no Member shall speak on that Motion nor shall any other Motion be made until after the result of the vote is announced by the Chair.

Majority Vote Required

- 15.9 All decisions of Council or Committee shall require a Majority vote except as otherwise set out in this By-Law or by statute.

Tie Vote – Deemed Negative

- 15.10 Any question on which there is a tie vote shall be deemed to have been decided in the negative, except where otherwise provided by any statute.

Results of Vote

- 15.11 The Chair shall announce the result of every vote. All votes captured in a digital format will be displayed on the Council Chamber projection screen(s). For non-electronic voting, the Clerk shall announce the results of a Recorded Vote in accordance with Subsection 15.13.

Objections

- 15.12 If a Member disagrees with the number of votes for and against a matter as announced by the Chair, the Member may object immediately to the declared outcome and request that a Recorded Vote take place, unless the vote has been taken electronically, in which case the results recorded by the meeting management system shall be deemed final.

Recorded Vote

- 15.13 Should a Recorded Vote be requested by a Member pursuant to Subsection 15.12 of this By-Law, the Chair shall ask the Clerk to poll the Members as follows:
- (a) voting shall begin with the Member who requested the Recorded Vote and shall continue alphabetically until the vote is completed;
 - (b) each Member present, except a Member who is disqualified from voting in accordance with Subsection 15.1, shall announce their vote openly;
 - (c) the Clerk shall announce the result of the Recorded Vote; and
 - (d) the names of those Members who voted for and those who voted against the Motion shall be entered in the minutes.

SECTION 16: BY-LAWS

By-Law Requirements

- 16.1 Every by-law passed by Council shall;
- (a) be signed by the Mayor and the Clerk;
 - (b) be sealed with the City seal; and
 - (c) indicate the date of passage.
- 16.2 The Mayor and Clerk shall have the authority to sign and seal all by-laws, agreements, applications or other documents related to matters which have been approved by Council.

Correctness of By-Laws

- 16.3 The Clerk shall be responsible for the correctness of all by-laws as to form and content.

Editorial and other Changes to By-Laws

- 16.4 The Clerk, in consultation with the Legal Services Department, may make the following changes to by-laws:
- (a) correct spelling, punctuation or grammatical errors, or errors which are clerical, typographical or similar in nature;
 - (b) alter the style or presentation of text or graphics to improve electronic or print presentation;
 - (c) replace a description of a date or time with an actual date or time;
 - (d) if a provision provides that it is contingent on the occurrence of a future event and the event occurs, remove text referring to the contingency and make any other changes that are required as a result;
 - (e) correct errors in the numbering or provisions or other portions of a by-law and make any changes in cross-references that are required as a result;
 - (f) if a provision of a transitional nature is contained in a by-law, make any changes that are required as a result; and
 - (g) make a correction, if it is obvious both that an error has been made and what correction should be taken to more fully represent the intention of Council.

Notice of Amendments

- 16.5 Where changes are made to a by-law pursuant to Subsection 16.4 of this By-law, the Clerk, in consultation with the Director of Legal Services and City Solicitor, or their designate, shall determine what notice, if any, may be required.

Record of By-Laws

- 16.6 All by-laws adopted by Council may be printed, paged, and bound in a separate volume with an index for the year in which they were passed.

SECTION 17: ENACTMENT

Repeal of Existing Council Procedural By-Law

- 17.1 By-Law Number 2010-1, Council Procedural By-Law, and all amendments thereto, is hereby repealed in its entirety.

Review of this By-Law

- 17.2 The Clerk shall initiate a review of this By-Law every five (5) years or at such earlier date as deemed necessary at the discretion of the Clerk.

Amendments to this By-Law

- 17.3 In accordance with the City's Public Notice Policy, as amended or replaced from time to time, notice of a proposed amendment to this By-Law shall be posted on the City's website two (2) weeks in advance of the date of the Meeting at which the proposed amendment will be considered.

Short Title of By-Law

- 17.4 This By-Law may be cited as the "Council Procedural By-Law".

Effective Date

- 17.5 This By-Law shall come into force and take effect on the date of its passing by Council.

Given All Three Readings and Passed: November 17, 2020

John Bolognone
City Clerk

Bryan Paterson
Mayor

By-Law Number 2021-XX

A By-Law to Amend By-Law Number 2010-205, “A By-Law to Define the Mandate and Meeting Procedures for Committees Established by The Corporation of the City of Kingston”, as Amended

Passed: Meeting date

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 2010-205, “A By-Law to Define the Mandate and Meeting Procedures for Committees Established by The Corporation of the City of Kingston”, as amended;

Therefore Be It Resolved That the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 2010-205, “A By-Law to Define the Mandate and Meeting Procedures for Committees Established by The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:
 - a. By renaming Section 2.12 as “Clauses Lost or Deferred at Committee Meetings”; and
 - b. By adding the following as subsection (c) of Section 2.12:

“(c) Items deferred by any Committee must be reported to Council or to the appropriate Committee to which it reports, as determined by the By-Law, to allow Council the opportunity to discuss and make a decision.”
2. This By-Law shall come into force and take effect on the date of its passing.

Given all Three Readings and Passed _____, 2021

John Bolognone
City Clerk

Bryan Paterson
Mayor