

**REPEALED BY PROCEDURE BY-LAW NO. 50/2007
APRIL 25, 2007**

CONSOLIDATION UPDATE: MARCH 24, 2004

THE CITY OF WINNIPEG

THE CITY OF WINNIPEG

**PROCEDURE BY-LAW
NO. 5400/90**

**A By-law of THE CITY OF WINNIPEG to
regulate the procedure at meetings of Council
and its Committees.**

PASSED BY COUNCIL ON MARCH 7, 1990

BY-LAW AMENDMENTS

5533/90, 5562/90, 5564/90

5648/91

5874/92, 6051/92, 6052/92, 6053/92, 6072/92

6088/93, 6122/93, 6148/93, 6174/93, 6216/93

6397/94, 6482/94

6595/95

7111/97

7267/98

7673/2000, 7680/2000, 7704/2000

7918/2001

8153/2002

164/2003

55/2004

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THE CITY OF WINNIPEG

PROCEDURE BY-LAW NO. 5400/90

A By-law of THE CITY OF WINNIPEG to regulate the procedure at meetings of Council and its Committees.

The Council of The City of Winnipeg, duly assembled, enacts as follows:
amended 8153/2002

1.1 This By-law may be referred to as "**The Procedure By-law**".

1.2 The following rules and regulations shall be observed in Council, and in all Committees thereof.

INTERPRETATION

2. In this By-law, including this section:
amended 8153/2002

"Charter" means *The City of Winnipeg Charter*.
added 8153/2002

"Chief Administrative Officer" is the administrative head of The City of Winnipeg.
added 7111/97

"City" means The City of Winnipeg.
amended 8153/2002

"Clerk" means the City Clerk or clerk to the committee, as the case may be.

"Council Chamber" shall be deemed to be all the area of the Council Room forward of the Presiding Officer's Chair in which seating is provided for the members of the Council.

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Interpretation (cont'd)

"Holiday" means each Saturday and Sunday, New Year's Day, Good Friday, Easter Monday, Victoria Day, Dominion Day, the first Monday in August, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, any day proclaimed as a holiday by the Governor-General in Council, the birthday of, or the day appointed for the celebration of, the reigning sovereign.

"Member" or "Members" when referring to a member or members of Council, includes the Mayor.

"Officer" shall mean any person engaged and employed by the City to exercise and discharge its powers and duties.

amended 6595/95

SUSPENSION

3.1 Any rule contained in this By-law may be suspended by a vote of 2/3rds of the members present, except in cases where by the *Charter* or by this By-law some other vote is required.

amended 8153/2002; 164/2003

3.2 When a member moves to suspend any rule contained in this By-law, the member is entitled to speak for three minutes to explain the reason for making the motion to suspend the rule, and a member may speak for three minutes against the motion to suspend the rule.

added 164/2003

MODIFICATION

4. No rule of procedure shall be adopted by Council, nor shall the provisions of this By-law be added to, varied or repealed, without having first been submitted to the Secretariat Committee for report to Council.

amended 7111/97

CURATIVE PROVISION

5. Subject to the provisions of the *Charter* when any motion is introduced or put, or when any motion or by-law is passed or any other proceedings taken by the Council contrary to any rule in this By-law without any member having raised the point of order in connection therewith, such rules shall be deemed to have been suspended by an affirmative vote of all of the members of Council present.

amended 8153/2002

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MEETING TIME

- 6.1 Council meetings shall be held on Wednesday, in accordance with the Schedule of Meetings set pursuant to Rule 6.3 at the hour of 9:30 o'clock in the forenoon and shall adjourn at 6:00 o'clock in the afternoon of the same day with a lunch hour recess from 12:00 o'clock noon to 1:30 in the afternoon.
amended 6397/94
- 6.2 If Council adjourns without completing the Agenda, Council shall resume sitting at 9:30 o'clock in the forenoon of the next following day, which is not a holiday.
amended 6088/93
- 6.3 Council shall set the date of the first meeting of Council of the next calendar year including the Schedule of Meetings and the period during which Council shall prorogue at a meeting prior to January 1st of the next calendar year. In an election year Council shall prorogue during the month of October.
amended 6397/94
- 6.4 Council may by resolution vary the date and time of a meeting as circumstances may require.
renumbered 6088/93
- 6.5 Except where notice of a public hearing has been given, the Chairperson of a Committee of Council may cancel or reschedule a meeting of that Committee upon consultation with, and reasonable notice to, the Committee members.
added 7918/2001

QUORUM

- 7.1 Nine members constitute a quorum for Council.
amended 6072/92; 8153/2002
- 7.2 A majority of the members appointed to compose any Committee of Council shall constitute a quorum to carry out the business of that Committee except that if, for any reason, a vacancy should exist in the membership of any Committee, a majority of the remaining members of the Committee shall constitute a quorum to carry out the business of that Committee. Such exception shall apply to one (1) vacancy only in any Committee.
amended 7680/2000

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- Quorum (cont'd.)
- 7.2.1 An ex officio member of a Committee (if present) shall be counted for the purpose of constituting a quorum.
added 6482/94
- 7.2.2 Notwithstanding section 7.2, where Council has designated a Standing Policy Committee as the hearing body for an appeal under any by-law, where one or more members of the appeal committee are disqualified due to participation in the original hearing or having advised the committee they have a conflict of interest, the number of councillors remaining, if not fewer than two, shall constitute a quorum.
added 7673/2000
- 7.3 The meeting shall start as soon after the hour of the meeting as there is a quorum present.
- LACK OF QUORUM
AT COUNCIL**
- 7.4 If no quorum is present at the end of half an hour, the Council shall stand adjourned, and the Clerk shall enter into the minutes the names of the members present.
- LACK OF QUORUM
AT COMMITTEE**
- 7.5 If within 30 minutes after the time for which any committee has been called, no quorum is present, any member of the committee then present may, after calling upon the Clerk or his deputy to ascertain that there is no quorum, leave the committee room and have his name recorded as present in the regular minute book, which will preclude any business being done at the meeting although there may subsequently be a quorum, unless the members who left the room shall return and resume their seats.

ORDER AND DECORUM

- PRESIDING OFFICER**
- 8.1 The Presiding Officer shall chair meetings of Council, maintain order and decorum and decide questions of order, subject to an appeal to the Council.
amended 8153/2002

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Presiding Officer (cont'd.)

- (a) When in the opinion of the Presiding Officer an act of harassment whether personal, sexual, racial or otherwise has occurred in the Chamber against a member of Council by another member of Council the Presiding Officer may name the offending member of Council.

added 6051/92

- (b) Upon being named the offending member shall immediately cease and desist from any further acts of harassment during the meeting.

added 6051/92

- (c) If at the same meeting the offending member of Council shall again commit an act of harassment the Presiding Officer shall have the offending member ejected from the Council Chamber.

added 6051/92

- (d) Nothing in Rules 8.1(a), 8.1(b), and 8.1(c) shall be deemed to limit the power of the Presiding Officer to maintain order and decorum in the Chamber, as provided in Rule 8.1, and the Presiding Officer may take such further and other action as circumstances warrant as he or she in his or her sole discretion deems advisable to maintain order and decorum in the Chamber to effect orderly completion of the proceedings and business of Council.

added 6051/92

- 8.2 Members shall address the Presiding Officer as "Mr. Speaker" or "Madam Speaker", as the case may be.

- 8.3 The Deputy Presiding Officer shall act in the absence of the Presiding Officer from any cause and, while so acting, has all the powers and duties of the Presiding Officer, and if at any meeting of the Council, the Presiding Officer and Deputy Presiding Officer are absent, the Council shall elect an Acting Presiding Officer to preside over the meeting, and the Acting Presiding Officer, while so acting has all the powers and duties of the Presiding Officer.

*amended 8153/2002***SEATING**

- 8.4 The seating of Councillors and the Chief Administrative Officer shall be arranged by the Mayor.

amended 7111/97

DECORUM

- 8.5 No member shall engage in private conversation in such manner as to interrupt the business of the Council.
- 8.6 In the Council Chamber Councillors shall dress appropriate to the office of a member of Council.
- 8.7 A Councillor may bring a beverage in a cup or glass to his or her desk or ask a Page to bring it, but no food is permitted in the Chamber and no food or drink is permitted in the public gallery.
- 8.8 No member shall read any newspaper or carry into or use a cellular telephone in the Chamber.
amended 6088/93
- 8.9 Visitors in the gallery are not permitted to display signs or placards, to applaud participants in debate or to engage in conversation or other behaviour which may disrupt any proceedings of Council or any Committee thereof.
amended 6397/94

**PRESIDING OFFICER
TAKING PART IN
DEBATE**

- 8.10 If the Presiding Officer desires to participate in the debate, the Presiding Officer shall leave the Chair.
amended 8153/2002
- 8.11 If the Presiding Officer desires to leave the Chair for the purpose of taking part in the debate or for any other reason, the Deputy Presiding Officer or in the absence of the Deputy Presiding Officer, the Acting Presiding Officer shall take the chair until the Presiding Officer or the Deputy Presiding Officer resumes the Chair.

**MEMBERS TO ADDRESS
PRESIDING OFFICER**

- 8.12 Members shall only make or second a motion from their seat.
- 8.13 Every member in speaking to every question and motion shall rise and speak solely to the Presiding Officer and no questions shall be placed "through the Chair" to a member of Council.

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**PRIORITY OF
SPEAKING**

- 8.14 When two or more members rise to speak, the Presiding Officer shall call upon the member who in the Presiding Officer's opinion rose first.

CLARIFICATION

- 8.15 The Presiding Officer may call upon any member, whether the member has risen to speak or not, to clarify or explain any matter then before the Council and such member shall thereupon reply without offering any argument or opinion, stating only those facts as may be necessary to clarify or explain the matter.

**WHEN QUESTION PUT;
ORDER**

- 8.16 When the Presiding Officer is putting the question, no member shall walk across or out of the Council Chamber, or make any noise or disturbance.

DISRESPECT

- 8.17 When a member is addressing the Council the member
- (a) shall not speak disrespectfully of Her Majesty the Queen or her official representatives;
 - (b) shall not use offensive words in referring to any member of the Council, or to any officer or any employee of the City;
 - (c) shall not indulge in personalities in the course of debate nor reflect on the motives of members who may have voted for a particular motion;
 - (d) shall not use profane, vulgar, offensive, threatening or intimidating language.
amended 5533/90

**PERSONS PERMITTED IN
COUNCIL CHAMBER**

- 8.18 (a) No person except members of Council, the Clerk and staff of the Clerk's Department, and the Chief Administrative Officer shall be allowed to enter the Council Chamber without the permission of the Presiding Officer.
added 7111/97

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Persons Permitted in

Council Chamber (cont'd)

- 8.18 (b) The Chief Administrative Officer may be present at any meeting of Council unless specifically excluded by resolution of Council and has the right to speak to any issue before Council at the request of the Presiding Officer.
added 7111/97

**NO MEMBER TO
LEAVE**

- 8.19 No member shall leave a meeting of Council before it is over unless permission to do so is received from the Presiding Officer.

**SPECIAL MEETINGS
OF COUNCIL**

- 8.20 A notice of a special meeting of Council shall, whenever possible, provide one working day between the giving of the notice and the meeting date and shall contain an explanation giving reasons for the convening of the meeting.
added 6174/93

**AGENDA MATERIAL
TO BE PROVIDED**

- 9.1 The agenda of each regular meeting of Council together with copies of standing committee reports together with the comments of the Executive Policy Committee report and a synopsis of communications as hereinafter described, and all supporting materials shall be provided to the members of Council by the Clerk at least 96 hours preceding the meeting of Council.
- 9.2 Any matters which have not been provided pursuant to the foregoing section shall not be considered at the Council meeting.

**AGENDA MATERIAL
FOR COMMITTEES**

- 9.3 The agenda of each regular meeting of a committee and all supporting material shall be provided to the members of the Committee by the Clerk at least 96 hours preceding the committee meeting and supplementary material forwarded by the Clerk will only be considered upon approval of the majority of the members of the committee present.

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**CONSENT AGENDA
PROCESS**

9.4 The process for Consent Agendas shall be the following:
added 6122/93

- (a) Each Committee of Council, at the end of each meeting, shall designate any item(s) proceeding to Executive Policy Committee and Council, which will not comprise its "Consent Agenda". All other items shall be considered consent items. Any member of the Committee may identify clauses which will not be considered consent items.
added 6122/93; amended 8153/2002
- (b) The Executive Policy Committee, at the end of each meeting shall designate the items(s) proceeding to Council which will not comprise its "Consent Agenda". All other items will be considered consent items. Any member of the Committee may identify clauses which will not be considered consent items.
added 6122/93
- (c) Consent items must appear on the agenda circulated a minimum of 96 hours prior to the Council meeting.
added 6122/93; amended 8153/2002

**COUNCIL PROCEDURES
RE CONSENT AGENDA**

- 9.5 (a) Where a Committee has prepared a Consent Agenda, the Committee Chairperson shall first move that the Consent Agenda, and any amendments by Executive Policy Committee, be adopted. Prior to adoption of such motion any Council Member may withdraw an item from the Consent Agenda by request or register their opposition to it. Adoption of the Consent Agenda (as revised by withdrawn items and subject to registration in opposition) shall be by a vote of the majority of Council members in attendance and such vote shall be taken on all consent items conjointly.
added 6122/93, amended 6148/93; 164/2003

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Council Procedure re
Consent Agenda (cont'd)

9.5

- (b) Items that are withdrawn from Consent Agendas are to be deliberated and voted on by Council separately.
added 6122/93

ORDER OF BUSINESS

10.

Subject to the paragraphs following, the sequence of the agenda to be followed at each regular meeting shall be as follows:

- (a) The Clerk confirms that the quorum is present and so advises the Presiding Officer.
- (b) The meeting is called to order.
- (c) Introduction and welcome of guests and announcements.
- (d) The reading of the Minutes.
- (e) Presenting Petitions.
- (f) Communications (See Rules 12.1 and 12.2).
- (g) Delegations.
- (h) Consideration of the Reports of the Executive Policy Committee.
- (i) Executive Policy Committee question period.
amended 5874/92
- (j) Consideration of the Reports of the Standing Committees, on a rotative basis at each succeeding meeting.
amended 5874/92
- (k) A Standing Committee question period following each Report.
amended 5874/92

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- Order of Business (cont'd)
- (l) Reports not related to the jurisdiction of any Committee.
amended 5874/92
 - (m) Adjournment.
amended 5874/92

**READING OF
THE MINUTES**

- 11. The Minutes of the last regular meeting before each current meeting, and of any subsequent special meeting or meetings, shall be read by the Clerk in order that errors or omissions may be corrected by Council, unless these minutes have been previously circulated to the Councillors, in which case on motion and by a majority vote the reading may be dispensed with, but they may nevertheless be corrected, after which reading and correction, if any, the Minutes shall be signed by the Presiding Officer.
amended 7111/97

**REFERRAL OF
COMMUNICATIONS**

- 12.1 The Clerk shall refer all communications to the proper committee unless in the discretion of the Clerk the communication should merely be received as information by Council.

**EXCEPTION TO
"TAKEN AS READ"**

- 12.2 All communications shall be taken as read unless a member requires a communication to be read or referred to a specific committee.

**CONSIDERATION OF
COMMITTEE REPORTS
- AGENDA**

- 13.1 With respect to each Committee referred to in Rules 10(h) and 10(j) the following order shall be followed:
amended 5874/92
 - (a) Consideration of the Committee's report.
 - (b) Unfinished business pertaining to the committee.
 - (c) Motions of which notice has been given.

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Consideration of Committee
Reports – Agenda (cont'd)

- 13.1 (d) Motions.
- (e) Consideration of by-laws pertaining to the Committee.
- (f) Question period.
added 5874/92
- 13.2 Item (f) of Rule 13.1 as it applies to Rule 10(j) shall pertain only to the Committee being considered and all questions shall be directed to the Chairperson of that Committee or alternate.
amended 5874/92

QUESTION PERIOD

- 14.1 Under Rule 10(i) questions may be directed to the Mayor, the Deputy Mayor, Standing Committee Chairpersons (or their alternates), and to Councillors on the various boards and commissions and sub-committees not related to the Standing Committees.
amended 5874/92
- 14.2 A Councillor may be permitted to ask one main question and up to two (2) supplementary questions during the question period.
- 14.3 The Presiding Officer may permit a Councillor who has already posed a question or questions referred to in Rule 14.2, to ask a second set of questions, provided that no other Councillors have indicated they wish to pose a first round of questions as provided for in Rule 14.2.

**QUESTIONS:
FORM AND CONTENT**

- 14.4 Questions shall only be asked in respect of matters of sufficient urgency and importance as to require an immediate answer.
- 14.5 Councillors shall not inquire whether statements made in a media report are correct; it is a Councillor's duty to ascertain the truth of any statement before bringing it to the attention of Council.

Procedure By-law No. 5400/90

**Questions: Form &
Content (cont'd)**

- 14.6 Any preamble to questions posed shall be as brief as possible. An excessively long preamble is not permitted. No preamble is allowed in a Supplementary Question.
- 14.7 Questions shall be phrased to elicit an answer and not to provoke debate.
- 14.8 Questions shall not be asked on matters that are outside the legislative or administrative jurisdiction of the Council and the civic administration.
amended 8153/2002
- 14.9 Questions shall not deal with matters that are before a Court.

**REPLIES TO
QUESTIONS**

- 14.10 During Question Period the reply given to any reasonable question may be given immediately or at the next meeting of Council. Replies to questions which have been taken as notice may also be provided in writing to all Councillors and a copy shall be provided to the City Clerk.
amended 8153/2002
- 14.11 Replies to Questions shall be brief and to the point, and shall not provoke debate.

**DURATION OF
QUESTION PERIODS**

- 14.12 Executive Policy Committee question period shall be not more than thirty (30) minutes in duration.
added 5874/92
- 14.13 Each Standing Committee question period shall not exceed fifteen (15) minutes in duration.
added 5874/92

**VARIATION OF
COMMITTEE'S
RECOMMENDATION**

- 15. Where the Executive Policy Committee recommends that an item reported upon by a Standing Committee should be adopted by the Council but in a manner other than that in which it is presented by the Standing Committee, the recommendation so made by the Executive Policy Committee shall stand as a motion to amend the motion for the adoption of the reports of the Standing Committee and be voted upon as in the case of other amendments.

Procedure By-law No. 5400/90

**AUTOMATIC
REFERRAL**

- 16.1 All motions which do not on their face or through the remarks of the mover indicate that all reasonable efforts have been attempted to have the matter dealt with by the appropriate Committee, shall be deemed to be referred to the appropriate Committee.
- 16.2 The preceding section does not apply to a motion which merely instructs the Committee to consider a matter and/or to report on a matter.
- 16.3 The mover of a motion referred to in Rule 16.1 shall have the right in moving the motion to explain to Council before any other member of Council speaks to the motion, why the matter has not been placed before or considered by a Committee and why the mover feels it should be dealt with at that Council meeting, and the mover shall only speak on the question of why the motion should be dealt with and shall take no more than three minutes to do so.
amended 7704/2000
- 16.4 Any motion which is automatically or otherwise referred to a Committee, shall be reported on, in writing, within 60 days unless Council grants some other period of time in which to report.
amended 5648/91

**NOTICE OF MOTIONS
REQUIRED**

- 17.1 No motion introducing new matter shall be discussed unless notice of same has been given in writing at a previous regular meeting of Council. Proper notice of a motion shall consist of filing with the Clerk while Council is in session a copy of the actual motion to be considered under the title "Notice of Motion".

LAPSE OF MOTION

- 17.2 If any notice of motion be not brought up at the next meeting at which it may be brought up pursuant hereto, the same shall lapse unless the time be extended by the Council or unless failure to bring up the matter at such meetings be due to adjournment, in either of which cases it shall be placed on the agenda of each succeeding regular meeting as Unfinished Business, until reached or otherwise disposed of.

Procedure By-law No. 5400/90

Lapse of Motion (cont'd.) 17.3 A notice of motion handed to the Clerk while Council is in session but not read due to adjournment shall be deemed to be given to the Council at such meeting and the Clerk shall deliver a copy thereof to each member of Council within three days after the meeting.
amended 7704/2000

17.4 Where notice of motion has been given under Rule 17.1 and 17.3 the motion shall be circulated by the Clerk to each member of Council within three days after the meeting.

EXCEPTION TO NOTICE 18.1 The requirements of previous notice with respect to motions shall not apply to a motion to authorize the absence of a member from a meeting of the Council nor to matters of privilege, order, petitions, reports and communications, or by-laws.

18.2 If the copy of a motion to authorize the absence of a member of Council is in the hands of the Clerk before the adjournment of the meeting but is not put to a vote due to the meeting adjourning, the meeting in such case shall stand adjourned to the next regular day and hour of meeting and such adjournment of meeting shall be deemed to be part of the previous meeting but only insofar as such a motion is concerned.

**MOTIONS WRITTEN
AND SECONDED**

19. All motions shall be in writing, seconded and read by the mover or clerk before being debated except those

- (a) to consider or adopt reports;
- (b) to introduce, consider or read by-laws;
- (c) to suspend the rules;
- (d) to adjourn;
- (e) to refer a question without instructions;
- (f) to lay a question on the table;
- (g) to postpone a question indefinitely;
- (h) to put the previous question.

Procedure By-law No. 5400/90

DISTINCT PROPOSITIONS

20. A motion shall not be out of order merely because it contains a number of distinct propositions, but upon the request of any member of Council the individual propositions shall be voted on separately.

MOTION IN POSSESSION OF COUNCIL

21. After a motion is read by the mover or Clerk, it shall be deemed to be in possession of the Council, but may be withdrawn at any time before decision or amendment by the mover with concurrence of the seconder and with permission of a majority of the members of the Council present.

PRECEDENCE OF MOTION TO REFER

- 22.1 A motion to refer a question to a committee or to a civic officer shall take precedence over all other motions except motions to adjourn, to adjourn the debate or to continue in session, and if the motion to refer be without instructions, it shall not be debated except as provided in Rules 47.1, 47.2 and 47.3.
amended 7704/2000
- 22.2 A motion to refer a question with instructions to a committee or a civic officer shall be deemed out of order if the mover or seconder of the referral motion with instructions have already participated in the debate on the main question.
added 7704/2000
- 22.3 A motion to refer a question with instructions is deemed to be a substantive motion which shall be in accordance with Rule 19, and such motions are subject to the limits of speaking time prescribed in Rule 44.
added 7704/2000

MOVER'S PRIORITY TO SPEAK

23. When a question is before the Council the mover thereof shall have an opportunity of speaking thereto before any other member is permitted to do so and before any motion is made with respect to it.

Procedure By-law No. 5400/90

ADJOURNMENT

- 24.1 A motion to adjourn the Council shall always be in order, except:
- (a) when a member has the floor;
 - (b) when the vote has been called;
 - (c) when the previous question has been moved;
 - (d) but no second motion to the same effect shall be made until after some intermediary proceedings shall have taken place.
- 24.2 A motion to adjourn the Council cannot be amended, and except as provided in Rules 47.1, 47.2 and 47.3 of this by-law is not open to debate, and if not otherwise specified, such adjournment shall be to the next regular meeting of Council.
- 24.3 A motion to adjourn other than as set out in Rule 24.2 may be amended and is open to debate.
- 24.4 After the question is put on a motion to adjourn the Council and passed, a roll call of Council shall be taken and the result entered in the minutes of the meeting. All members shall remain seated until the roll call is completed. Adjournment shall not be effective until such roll call is concluded.

**ADDITIONAL MOTIONS
PERMITTED**

25. When a motion has been made and seconded and it is being considered by Council no member may make any other motion except:
- (a) a motion to refer the main question to some Officer or Committee;
 - (b) a motion to amend the main question or an amendment to it;
 - (c) a motion to table the main question until later in the meeting, includes tabling of any amendments thereto;

- (d) a motion to lay over the main question until some future time, includes the lay over of any amendments thereto;
- (e) a motion that the previous question be put;
- (f) a motion to adjourn the meeting.

LAYING OVER

- 26.1 A member making a motion to lay over any matter whether the matter is contained in a petition, inquiry, motion or other matter before the Council shall include in the motion the date of a future regular or special meeting to which the motion is to be laid over or a provision that the matter is to be laid over indefinitely.
- 26.2 A motion to lay over a matter shall not be debated except as provided in Rule 47.1, 47.2 and 47.3 or except as to the time when Council will again consider the motion.
- 26.3 A matter which has been laid over to a particular date shall not be again considered by Council before the date set, unless this rule is suspended in accordance with Rule 3.

AMENDMENT

- 27. Where an amendment has been moved to a motion which is under discussion, an amendment to the amendment may be moved but no further amendment may be moved to the amendment or to the principal question until after the amendment to the amendment is voted upon.
- 28. A member who moved or seconded a motion may move or second an amendment to it.

**PROHIBITED
AMENDMENT**

- 29. While a motion is under discussion by Council a member may not move an amendment which does not relate to the subject matter of the principal motion.
- 30. While a motion is under discussion by Council a member may not move an amendment directly contrary to the principal motion.

Procedure By-law No. 5400/90

- | | | |
|---|------|--|
| VOTING | 31. | The Presiding Officer shall not put the principal motion under debate until all amendments to it have been put and voted upon. |
| ORDER OF VOTING | 32. | The Presiding Officer shall put amendments in the reverse order to that in which they have been moved. |
| VOTING ON
PRINCIPAL MOTION | 33. | When all amendments are voted upon the Presiding Officer shall put the principal motion incorporating therein any amendments already adopted. |
| REQUIRED MAJORITY
TO AMEND | 34. | When the <i>Charter</i> or this by-law determine the majority which must be obtained for the adoption of a report, by-law or motion, the same majority shall be required to amend such report, by-law or motion.
<i>amended 8153/2002</i> |
| PREVIOUS QUESTION | 35. | A motion that the vote be now taken on the previous question shall always be in order, shall take precedence over any other motion and shall be put immediately, without debate, except that a Councillor may not immediately after speaking, move that the vote be now taken. |
| CLOSING DEBATE
<i>amended 7704/2000</i> | 36. | If the motion that the vote be now taken is resolved in the affirmative all debate shall cease except the mover of the motion and the movers of any amendments thereto shall each have five minutes to close debate on their particular motion prior to the vote on their motion, and all further motions shall be precluded and the propositions before Council shall be put forthwith in the manner provided by Rules 31, 32 and 33.
<i>amended 7704/2000</i> |
| PUTTING
THE QUESTION | 37.1 | When the Presiding Officer has called for a vote of those in favour of a question, the question shall be deemed to have been put. |

Procedure By-law No. 5400/90

**VOTE TO BE TAKEN
IMMEDIATELY**

- 37.2 After any question is put no member shall speak to the question, nor shall any other motion be made until after the result is declared.

**MOTION CONTRARY
TO *CHARTER***

- 38.1 Whenever the Presiding Officer is of the opinion that a motion offered to the Council is contrary to the *Charter* or to these rules, the Presiding Officer shall apprise the members thereof and quote the rule or authority applicable to the case, without argument or comment and the motion shall not be considered by Council, subject to an appeal by any member.
amended 8153/2002

**MATTERS OUTSIDE
CIVIC JURISDICTION**

- 38.2 A motion which does not relate to the exercise of powers and the discharge of duties conferred or charged upon the City shall be out of order.
amended 8153/2002

POINT OF ORDER

- 39.1 When a member raises a point of order, the member shall state the point of order to the Presiding Officer and remain silent until the Presiding Officer shall have stated and decided the point of order. Thereafter, a member shall only address the Chair for the purpose of appealing to the Council from the Presiding Officer's decision. If no member appeals, the decision of the Presiding Officer shall be final.
- 39.2 If, however, a member wishes to appeal from the decision of the Presiding Officer, the member shall as soon as the decision is made, even though another has the floor and without waiting to be recognized by the Presiding Officer, address the Presiding Officer and say "I appeal from the decision of the Chair (for a specified reason)". In such event, the Presiding Officer states clearly the question at issue and the reasons for the decision if the Presiding Officer thinks it necessary. The Presiding Officer then states the question thus: "Shall the decision of the Chair be sustained?" And the Council, if appealed to, shall decide the question without debate and its decision shall be final.

Procedure By-law No. 5400/90

POINT OF PRIVILEGE

- 40.1 Notwithstanding anything else contained in this by-law whenever a matter of privilege arises, that is to say, a matter relating solely to the honour or to the rights and prerogatives and privileges of the Council or of any individual member thereof, it shall be taken into consideration and dealt with immediately.
- 40.2 Any action, relating solely to the matter of privilege raised, may be introduced immediately in the form of a motion, if in writing, and seconded and shall be dealt with by the Council forthwith.

**MEMBER MAY
REQUIRE QUESTION
TO BE READ**

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

**MEMBER MAY NOT
SPEAK MORE THAN
ONCE TO SAME
QUESTION**

42. Subject to any specific provisions of this by-law, no member shall speak more than once to the same question, without leave of Council, except in clarification of a material part of that member's speech, which may have been misunderstood, and in doing so, shall not introduce new matter.

REPLY

43. A member who had made a substantive motion to the Council, or amendment thereto; shall have the right to close the debate on said motion or amendment.

**LIMITS OF
SPEAKING TIME**

44. On any motion, the mover shall be entitled to speak for ten minutes and any other member of Council shall be entitled to speak for eight minutes, provided that Council may on motion, without debate, permit a member to speak for a further period not exceeding two minutes in addition to the regular time allowed. On closing debate, the mover of a motion shall be given five minutes to close.

amended 7704/2000

**MOVING THE MOTION
WITHOUT COMMENT**

45. The following shall not be regarded as speaking to a question:
- (a) moving, without comment or debate, any main motion;
 - (b) moving, without comment or debate, an amendment to a main motion or an amendment to an amendment; provided that when a member has spoken to a motion or has moved one amending motion in respect thereof, he may move only one further amending motion;
 - (c) seconding, without comment or debate, any main or amending motion.

SEPARATE QUESTION

46. A motion to amend a motion or to amend an amendment thereto, after being moved and seconded shall be regarded for purposes of debate as a separate question.

MOTION TO REFER

- 47.1 When a motion is before the Council, the moving of a motion to table, to lay over, to refer it to a committee or civic officer without instructions, shall not be regarded as speaking to such first-mentioned motion.
amended 7704/2000

REASON FOR MOTION

- 47.2 When making any of the motions mentioned in Rule 47.1 the member shall state the motion he is making and briefly explain the reason, and shall take no more than three minutes doing so.

RIGHT OF REPLY

- 47.3 Upon any of the motions mentioned herein being made the mover of a motion under debate may take three minutes to explain why the motion mentioned in this section shall not be passed and upon such explanation being made the mover of a motion mentioned in Rule 47.1 may take three minutes to rebut.

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**POINT OF
INFORMATION**

48. A member posing a statement of clarification pursuant to this section as a point of information shall not elaborate on, nor phrase the statement in such a way as to set out an opinion either for or against the issue at hand, and shall not state any facts except insofar as may be necessary to explain the statement. In making such a clarification a member shall not debate the matter to which the statement refers, and a member of Council making a statement of clarification may speak to the issue for not longer than two minutes.
amended 7704/2000

**RULING OF CHAIR ON
POINTS NOT COVERED**

49. In any proceedings of Council or Committee when any point of order is raised which is not covered by those rules, the ruling of the Chair, subject to appeal to the Council or Committee as herein provided, shall be conclusive.

VOTING PROCEDURE**MEMBERS TO TAKE
THEIR SEATS WHEN
VOTE CALLED**

- 50.1 Members shall always take their seats when any vote is called for, and no further debate shall be permitted.

VOTING TO BE OPEN

- 50.2 Every vote shall be taken by open voting and, if required by any member or by any by-law of the City, shall be recorded in the minutes of Council.
amended 8153/2002

**MEMBERS ABSENT
WHEN QUESTION PUT**

- 50.3 When a question is put and the Clerk has begun to call the "Yeas" and "Nays", no member shall enter or leave the Council Chamber before the result of the vote on that question has been proclaimed by the Presiding Officer.

**MEMBER CHANGING
VOTE**

- 50.4 A member's vote shall not be rectified or changed except with the consent of the majority of the members present, but same must be done before any other business of Council is undertaken.

Procedure By-law No. 5400/90

**MOVER OR SECONDER
MAY VOTE AGAINST
MOTION**

- 50.5 The mover or seconder of any motion may vote against it, and the chairperson of a committee having moved the adoption of the whole or part of a report of the committee may also speak against it.

UNANIMOUS VOTE

- 50.6 When any matter before Council requires more than a mere majority vote to be approved, and approval is

- (a) declared to be given without a recorded vote; or
- (b) when no poll of the members is taken

the vote shall be deemed to be a unanimous vote of the members present.

RECORDED VOTE

- 50.7 When a division takes place on any occasion, the votes of the members shall be recorded, if required, by one of its members. However, if up to three Councillors wish to have their vote recorded without taking a recorded vote, the Clerk shall do so.

**ORDER AND
PROCEEDINGS IN
COMMITTEE OF
THE WHOLE**

- 51.1 Whenever it shall be moved and carried that the Council go into Committee of the Whole, the Presiding Officer shall leave the Chair, and before doing so shall ask the Deputy Presiding Officer or in the absence of the Deputy Presiding Officer, an Acting Presiding Officer, to be Chairperson of the Committee, who shall see that the usual rules of order are preserved and report the proceedings of the Committee.

**BY-LAWS AND REPORTS
TO BE IN HANDS OF
MEMBERS**

- 51.2 No motion or by-law or report of a committee shall be discussed in Committee of the Whole, unless such motion or by-law or report has been previously clearly written and placed in the hands of the members, except it shall be otherwise permitted by the consent of two-thirds of the members present, without debate.

**RULES OF COUNCIL
TO BE OBSERVED
WITH EXCEPTIONS**

- 51.3 The rules of the Council shall be observed in Committee of the Whole, as far as may be applicable, with the following exceptions:
- (a) no motion will require to be seconded;
 - (b) no motion for any adjournment shall be allowed; and
 - (c) the number of times of speaking on any question shall not be limited.
amended 7704/2000

**QUESTIONS OF
ORDER**

- 51.4 Questions of order arising in Committee of the Whole shall be decided by the Chairperson subject to an appeal to the Committee.

**DECIDING
QUESTION**

- 51.5 On motion in Committee of the Whole to rise and report, the question shall be decided without debate and shall take precedence over any other motion, and if decided in the affirmative, the Committee will report to Council accordingly.

**POWER TO CONCLUDE
COMMITTEE OF
THE WHOLE**

- 51.6 If in the opinion of the Presiding Officer the Committee is in disorder, the Presiding Officer shall resume the Chair without any motion being put and the Committee shall be deemed to have risen and reported and Council shall be deemed to be back in session.

BY-LAWS AND PROCEDURES THEREON**PREPARATION OF
BY-LAWS**

- 52.1 No by-law shall be submitted to Council in final form unless and until it is approved by the City Solicitor as to form and legal validity.

Procedure By-law No. 5400/90

**BY-LAWS TO APPEAR
ON AGENDA**

- 52.2 Where a by-law is presented to Council for enactment the Clerk shall cause the number and the short title of the by-law to appear in the Agenda in the appropriate place.
- 52.3 Unless a letter or report forwarding the by-law for enactment by Council adequately sets out the substance of the by-law the Clerk shall cause the by-law to be copied in full and forwarded to the members of Council with the Agenda.
- 52.4 If a proposed by-law differs in any material or significant respect from prior Council or Committee instructions or decisions, then the letter or report forwarding the proposed by-law to Council for enactment shall outline and explain those differences.

**THREE READINGS
OF BY-LAWS**

- 53.1 Except as otherwise provided in the *Charter*, each by-law must have three separate readings, each reading must be put to a vote before it becomes effective, and a by-law may be amended at any of the readings.
amended 8153/2002

**READINGS
AT ONE MEETING**

- 53.2 Not more than two readings of any by-law may be given at any one meeting of council, unless, by a vote of 2/3 of all members of council, this requirement is suspended in respect of the by-law.
amended 8153/2002

**TEXT OF PROPOSED
BY-LAW BEFORE
FIRST READING**

- 53.3 Each member of council present at a meeting of council at which first reading of a proposed by-law is to occur must be given, or have had, the opportunity to review the full text of the by-law before it receives first reading.
amended 8153/2002

Procedure By-law No. 5400/90

**TEXT AVAILABLE
BEFORE
THIRD READING**

- 53.4 Each member of council present at a meeting of council at which third reading of a proposed by-law is to occur must be given, or have had, the opportunity to review the full text of the by-law and any amendments to it passed before it receives third reading.
amended 8153/2002

**FIRST READING
(NUMBER AND TITLE)**

- 53.5 A by-law shall be introduced for its first reading by the motion that the By-law, specifying its number and short title, be read a first time.

**SECOND AND THIRD
READINGS**

- 53.6 A by-law shall be introduced for its second and third readings, respectively, by the motion that the By-law, specifying its number, be read a second or third time, as the case may be.

**AMENDMENT TO
BY-LAWS**

- 53.7 A proposed amendment to a by-law shall be put to a vote and if carried at any of the readings thereof shall be considered as having been read the requisite number of times and to be incorporated in the by-law.
- 53.8 When all amendments to a by-law have been accepted or rejected, the particular reading shall be put.

REQUIRED MAJORITY

- 53.9 Unless the *Charter*, some other Provincial Statute or any existing by-law require a greater majority, a by-law shall be passed when a majority of the members present and voting on third reading vote in favour of the by-law.
amended 8153/2002
- 53.10 If Council, by the affirmative vote of two-thirds of the Whole Council, agrees that a by-law may be presented for a third reading at a meeting at which it has received two readings, the third reading requires no greater majority than if it had received a third reading at a subsequent meeting.

**AFTER THIRD
READING PASSED**

- 53.11 After Council votes affirmatively for a third reading of a by-law it
- (a) becomes a municipal enactment of the City, and

Procedure By-law No. 5400/90

After Third
Reading Passed (cont'd.)

- (b) is effective immediately unless the by-law provides otherwise.

DEFEATED BY-LAWS

- 53.12 A by-law that is defeated by Council at either first, second, or third reading shall not be reconsidered at that meeting of Council, and shall only be reconsidered at a subsequent meeting of Council if Council has instructed the City Solicitor to prepare and submit a new by-law for first reading.
amended 7704/2000

**AUTHENTICATION
OF BY-LAW**

- 53.13 *repealed 8153/2002*

**HEARING
DELEGATIONS**

- 54.1 A delegation seeking permission to address a meeting of the Council on a subject, the matter of which appears on the agenda of that meeting, shall inform the Clerk not later than 4:30 p.m. on the day preceding the meeting in the case of a regular meeting, and not less than two hours before the time of the meeting in the case of a special meeting.

**WHEN SUBJECT
NOT ON AGENDA**

- 54.2 If the subject upon which the delegation wishes to speak be not on the agenda, the Clerk shall refer the delegation to such committee of Council as has jurisdiction over the subject matter.
amended 8153/2002

JURISDICTION

- 54.3 No delegation shall be given permission to address the Council on any subject which is not within the jurisdiction of the Council.

**LIMIT OF
TWO SPEAKERS**

- 54.4 Every person being heard before Council or any committee thereof may be heard in person or through another person acting on his behalf.
amended 8153/2002

Procedure By-law No. 5400/90

Limit of

Two Speakers (cont'd.)

54.5 Delegate Speakers upon any one subject before Council shall be limited to two in favour of the subject and two against, in each case the first of whom may speak for not more than ten minutes and the second no more than five minutes, provided that Council may permit any delegate, or his representative to speak for a further three minutes on a majority vote of the members present.

54.6 The total period of time allotted for questions to delegate speakers on each side of any one subject including their responses shall not exceed ten minutes and Councillors may ask one main question and up to two (2) supplementary questions only of the delegate speakers.

**IN SUPPORT OF
SUSPENSION**

54.7 Subject to Rule 54.1, 54.2 and 54.3 when a Councillor requests that the rule be suspended to hear a delegation the mover shall give a brief description as to why the rule shall be suspended.

**SAME SUBJECT
NOT TO BE HEARD
WITHIN SIX WEEKS**

54.8 No person or body shall be heard by Council thereon if such person or body has been heard by Council on the same subject within the preceding six weeks.

**REPRESENTATION
RESTRICTED**

54.9 Notwithstanding the provisions of this by-law, neither the Council, a Committee of Council or a sub-committee thereof, shall hear any delegation or representation with respect to a matter which has been or is required to be considered at a public meeting or with respect to a matter which is presently the subject of any action or proceedings of which the City or any of its Boards or Commissions is a party or may be directly or indirectly affected.

amended 8153/2002

HEARINGS

54.10 Any hearing body, including a committee of council, that is required under the *Charter* or a by-law to hold or conduct a hearing, may

- (a) establish reasonable time limits for presentations, questions, or objections;

Procedure By-law No. 5400/90

Hearings (cont'd.)

- (b) decline to hear presentations, questions, or objections where the hearing body is satisfied that the matter has been adequately addressed at the hearing;
- (c) determine which of several presentations that are the same or similar the body will hear
- (d) expel individuals from a hearing for improper or disruptive conduct;
- (e) adjourn a hearing but, unless the date, time and place of the continuation of the hearing is announced at the time of the adjournment, the hearing body must give notice of that information as though the continuation were a new hearing.

amended 8153/2002

54.11 Where notice of a hearing has been given and the hearing body lacks quorum, the members of the hearing body in attendance may, at that time, reschedule the hearing to a new date, time and place, provided that information is announced to those members of the public in attendance, and reasonable notice of the rescheduled hearing is given to the other members of the hearing body.

added 5562/90; amended 8153/2002

54.12 Delegations appearing before Council with regard to a recommendation for an award of contract shall only address Council on the basis of the criteria set out in the Invitation to Tender and not on any other issue.

added 5562/90; amended 8153/2002

54.13 Any questions by members of Council of delegations appearing under Rule 54.11 shall be directed to the criteria set out in the Invitation to Tender and not on any other issue.

*added 5562/90; amended 8153/2002***POLICY MEETING**

55. *repealed 7704/2000*

Procedure By-law No. 5400/90

**GENERAL ORDER OF
BUSINESS IN
COMMITTEES**

- 56.1 The business of the Committees of Council and any other committees appointed by Council shall be conducted, insofar as is possible, in accordance with this by-law.
amended 8153/2002
- 56.2.1 No member of a Community Committee shall be in or remain in the room in which an appeal from a decision of that Community Committee on an application for approval of a variance, conditional use, or license is being held by a Committee of Council.
amended 8153/2002
- 56.2.2 No member of the Standing Policy Committee on Downtown Development shall be in or remain in the room in which an appeal from a decision of that Committee on an application for approval of a variance, a conditional use or both, is being held by another Standing Committee.
added 55/2004
- 56.3 Subject to Rule 56.4 a member of Council may make representations to the Board of Adjustment and to the appeal committee designated by Council to hear appeals from decisions of that Board.
added 6216/93; amended 8153/2002
- 56.4 If a member of Council who sits on the appeal committee referred to in Rule 56.3 has made representations to the Board of Adjustment on an application which is before the appeal committee on appeal from the Board that member shall not be or remain in the appeal hearing room during the conduct of that appeal.
added 6216/93

CHAIRPERSON'S VOTE

57. The Chairperson shall vote on all questions submitted unless excused by a majority of the Council then present or prohibited from voting by the *Charter* or *The Municipal Council Conflict of Interest Act*.
amended 8153/2002

TIE VOTE

58. A question on which there is an equal number of votes is deemed to be decided in the negative.
amended 8153/2002

Procedure By-law No. 5400/90

MINUTES

- 59.1 Minutes of all committee meetings shall be accurately prepared by the Clerk, or a person designated by the Clerk, and at each meeting, the minutes of the preceding meeting shall be submitted for approval or amendment. Each minute shall be designated with a progressive number or reference.
added 8153/2002

**PROCEEDINGS OF
HEARING BODIES**

- 59.2 A record of the proceedings of a hearing body which is required under the *Charter* to hold a hearing must be accurately recorded by the Clerk.
amended 8153/2002

60. *repealed 8153/2002*

**RECOMMENDATIONS
AND REPORTS**

- 61.1 Where the Executive Policy Committee has laid over a recommendation of a Standing Committee and has not dealt with it within a period of thirty days, the Executive Policy Committee shall be deemed to have concurred in the recommendation of the Standing Committee and the Clerk shall automatically at the expiration of the thirty day period forward the decision of the Standing Committee on to City Council for a decision.
- 61.2 Where the Executive Policy Committee has referred a Standing Committee report to the Chief Administrative Officer for report and the Chief Administrative Officer has not reported within thirty days, the Chief Administrative Officer and the Executive Policy Committee shall be deemed to have concurred in the recommendation of the Standing Committee and the Clerk shall on the expiration of the said thirty day period automatically forward the Standing Committee recommendation to Council for decision.
amended 7111/97
- 61.3 *repealed 7111/97*

Procedure By-law No. 5400/90

**Recommendations
and Reports (cont'd.)**

- 61.4 Where the Executive Policy Committee refers a recommendation of the Standing Committee to the Community Committee for their comments, a period of seventy-five days shall be allowed for the Community Committees and the Executive Policy Committee to make their comments, and at the expiration of the said seventy-five day period the said Clerk shall automatically forward to Council the recommendation of the Standing Committee together with the comments, if any, of the Community Committee and the Executive Policy Committee.
- 61.5 The Executive Policy Committee may apply to the Council for an extension of time in any of the above cases with an explanation for the reasons for such extension and Council may either grant such extension of time as it deems necessary or may refuse to grant an extension of time and deal with the matter on its merits.

**INAUGURAL MEETING
OF COUNCIL**

- 62.1 *repealed 7267/98*
- 62.1.1 The Inaugural Meeting of Council following an election shall be held on the first Tuesday in November following the election of council, at the time specified by the Mayor.
added 7267/98
- 62.1.2 At the Inaugural Meeting of Council, and in November of each year after that, the Mayor shall appoint a Deputy Mayor, an Acting Deputy Mayor, the Chairpersons of the Standing Committees, if established by Council, and members of Executive Policy Committee, and Council shall elect the Presiding Officer and Deputy Presiding Officer.
added 7267/98
- 62.2 The Organizational Meeting of Council shall be held on the first Wednesday of November in each year, except that in the year of an election, it shall be held on the second Wednesday in November of that year.
amended 5564/90, 6052/92, 6053/92, 6072/92, 7267/98
- 62.3 At the Organizational Meeting of Council, Council shall elect members:

Procedure By-law No. 5400/90

Inaugural Meeting
of Council (cont'd.)

- (a) to Standing Committees, where standing committees are established, and in the order in which each standing committee was established; and,
- (b) to Committees, except for Committees of Council, and Boards and Commissions.

amended 7267/98

62.4 The appointments of all citizen members to Committees, Boards and Commissions shall be made by Council at its first meeting in January in the year following the November Organizational Meeting, in accordance with the selection process by Minute of Council 98, dated November 16, 1988 and shall hold office until their successors have been appointed.

amended 5564/90, 6072/92

62.5 The election by Council of members under section 62.3, and the appointments of all citizen members under section 62.4 shall take effect immediately upon such election or appointment.

amended 7267/98

62.6 *repealed 6072/92*

63. *repealed 6072/92*

64. *repealed 6072/92*

DONE AND PASSED in Council assembled, this 7th day of March, 1990.