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THE CITY OF WINNIPEG

PROCEDURE BY-LAW NO. 50/2007

A By-law of THE CITY OF WINNIPEG to govern the procedure at meetings of Council and its Committees and certain other matters.

The Council of The City of Winnipeg, duly assembled, enacts as follows:

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

2. The following rules shall be observed in Council, and its Committees.

INTERPRETATION

3. In this By-law:

"Charter" means *The City of Winnipeg Charter*.

"Chief Administrative Officer" means the administrative head of The City of Winnipeg.

"City" means The City of Winnipeg.

"**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.

"**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.

"Substantive Motion" means any motion not referred in Rule 19.

SUSPENSION

4(1) Any rule contained in this By-law may be suspended by a vote of 2/3rds of the members present, except in cases whereby the *Charter* or by this By-law some other vote is required.

4(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.

MODIFICATION

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 No rule of procedure shall be adopted by Council, nor shall the provisions of this By-law be added to, varied or repealed, without having first been submitted to the Secretariat Committee for report to Council.

CURATIVE PROVISION

6. 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 and 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.

MEETING TIME

7(1) Council meetings shall be held on Wednesday, in accordance with the Schedule of Meetings set pursuant to Rule 7(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.

7(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.

7(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.

7(4) Council may by resolution vary the date and time of a meeting as circumstances may require.

7(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.

QUORUM

8(1) Nine members constitute a quorum for Council.

8(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.

8(3) An ex officio member of a Committee (if present) shall be counted for the purpose of constituting a quorum.

8(4) Notwithstanding Rule 8(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.

8(5) The meeting shall start as soon after the hour of the meeting as there is a quorum present.

LACK OF QUORUM AT COUNCIL OR COMMITTEE

8(6) If no quorum is present at the end of half an hour, the Council or committee shall stand adjourned, and the Clerk shall enter into the minutes the names of the members present.

ORDER AND DECORUM

PRESIDING OFFICER

9(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.

(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;

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

(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;

(d) Nothing in Rules 9(1)(a), (b) and (c) limits the power of the Presiding Officer to maintain order and decorum in the Chamber, as provided in Rule 9(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.

9(2) Members shall address the Presiding Officer as "Mr. Speaker" or "Madam Speaker", as the case may be.

9(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.

SEATING

9(4) The seating of Councillors and the Chief Administrative Officer shall be arranged by the Mayor.

DECORUM

9(5) No member shall engage in private conversation in such manner as to interrupt the business of the Council.

9(6) In the Council Chamber Councillors shall dress appropriate to the office of a member of Council.

9(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.

9(8) No member shall read any newspaper or use a cellular telephone in the Chamber.

9(9) Visitors in the gallery must maintain order and decorum and are not permitted to use flash photography, 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.

PRESIDING OFFICER TAKING PART IN DEBATE

9(10) If the Presiding Officer desires to participate in the debate, the Presiding Officer shall leave the Chair.

9(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

9(12) Members shall only make or second a motion from their seat.

9(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.

PRIORITY OF SPEAKING

9(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

9(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

9(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

9(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.

PERSONS PERMITTED IN COUNCIL CHAMBER

9(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;

(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.

NO MEMBER TO LEAVE

9(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

9(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.

AGENDA MATERIAL TO BE PROVIDED

10(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.

10(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

10(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.

CONSENT AGENDA PROCESS

10(4) The process for Consent Agendas shall be the following:

(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.

(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.

(c) Consent items must appear on the agenda circulated a minimum of 96 hours prior to the Council meeting.

COUNCIL PROCEDURES RE CONSENT AGENDA

10(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;

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

ORDER OF BUSINESS

11. Subject to the following Rules, 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) Adoption of the Minutes;

(e) Communications (See Rules 12(1) and 12(2);

(f) Delegations;

(g) Consideration of the Reports of the Executive Policy Committee;

(h) Executive Policy Committee question period;

(i) Consideration of the Reports of the Standing Committees, on a rotative basis at each succeeding meeting;

(j) A Standing Committee question period following each Report;

(k) Reports not related to the jurisdiction of any Committee;

(l) Adjournment.

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.

CONSIDERATION OF COMMITTEE REPORTS- AGENDA

13(1) With respect to each Committee referred to in Rules 11(h) and (j) the following order shall be followed:

(a) Consideration of the Committee's report;

(b) Unfinished business pertaining to the committee;

(c) Motions of which notice has been given;

(d) Motions;

(e) Consideration of by-laws pertaining to the Committee;

(f) Question period.

13(2) Rule 13(1)(b) as it applies to Rule 11(j) shall pertain only to the Committee being considered and all questions shall be directed to the Chairperson of that Committee or alternate.

QUESTION PERIOD

14(1) Under Rule 11(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.

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.

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.

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.

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.

14(13) Each Standing Committee question period shall not exceed fifteen (15) minutes in duration.

CONSIDERATION OF COMMITTEE'S RECOMMENDATION

15. Where the Executive Policy Committee makes an alternative recommendation to that presented by a Standing Committee, the alternative recommendation shall be voted upon first.

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.

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.

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.

17(3) A notice of motion handed to the Clerk while Council is in session shall be deemed to be given to the Council at such meeting and the Clerk shall make available a copy thereof 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.

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 distributed at a Council meeting, 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 45(1), (2) and (3).

22(2) A motion to refer a question with or without 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.

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 42.

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.

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 45(1), (2) and (3), 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 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 45(1), (2) and (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 4.

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.

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 *Charter* or any 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.

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

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 eight 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. 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.

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.

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.

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.

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 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 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 than 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.

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 NOT SPEAK MORE THAN ONCE TO SAME QUESTION

41. Subject to any specific provisions of this by-law, no member shall speak more than once to the same question, without leave of Council.

LIMITS OF SPEAKING TIME

42. 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 eight minutes to close.

MOVING THE MOTION WITHOUT COMMENT

43. 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

44. 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

45(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.

REASON FOR MOTION

45(2) When making any of the motions mentioned in Rule 45(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

45(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 45(1) may take three minutes to rebut.

RULING OF CHAIR ON POINTS NOT COVERED

46. 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

47(1) Members shall always take their seats when any vote is called for, and no further debate shall be permitted.

VOTING TO BE OPEN

47(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.

MEMBERS ABSENT WHEN QUESTION PUT

47(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

47(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.

MOVER OR SECONDER MAY VOTE AGAINST MOTION

47(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

47(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

47(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

48(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

48(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

48(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.

QUESTIONS OF ORDER

48(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

48(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

48(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

49(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.

BY-LAWS TO APPEAR ON AGENDA

49(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.

THREE READINGS OF BY-LAWS

50(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.

READINGS AT ONE MEETING

50(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.

TEXT OF PROPOSED BY-LAW BEFORE FIRST READING

50(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.

FIRST READING (NUMBER AND TITLE)

50(4) 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.

50(5) 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

50(6) 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.

50(7) When all amendments to a by-law have been accepted or rejected, the particular reading shall be put.

REQUIRED MAJORITY

50(8) 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.

50(9) 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

50(10) After Council votes affirmatively for a third reading of a by-law it

(a) becomes a municipal enactment of the City; and

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

DEFEATED BY-LAWS

50(11) 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. Where a public hearing is required prior to the by-law proceeding to Council, the public hearing must be held again.

HEARING DELEGATIONS

51(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.

WHEN SUBJECT NOT ON AGENDA

51(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.

JURISDICTION

51(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

51(4) Every person being heard before Council or any committee thereof may be heard in person or through another person acting on his behalf.

51(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 two minutes on a majority vote of the members present.

51(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

51(7) Subject to Rules 51(1), (2) and (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 SIXTY DAYS

51(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 60 days.

REPRESENTATION RESTRICTED

51(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 hearing 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.

HEARINGS

51(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;

(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.

51(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.

51(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.

51(13) Any questions by members of Council of delegations appearing under Rule 51(12) shall be directed to the criteria set out in the Invitation to Tender and not on any other issue.

GENERAL ORDER OF BUSINESS IN COMMITTEES

52(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.

52(2) 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.

52(3) 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.

52(4) Subject to Rule 52(5) 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.

52(5) If a member of Council who sits on the appeal committee referred to in Rule 52(4) 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.

CHAIRPERSON'S VOTE

53. 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.*

TIE VOTE

54. A question on which there is an equal number of votes is deemed to be decided in the negative.

MINUTES

55(1) Minutes of all committee meetings shall be 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.

PROCEEDINGS OF HEARING BODIES

55(2) The Clerk shall prepare minutes of the proceedings of a hearing body which is required under the *Charter* to hold a hearing.

RECOMMENDATIONS AND REPORTS

56(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.

56(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.

56(3) 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.

56(4) 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

57(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.

57(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.

57(3) 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 no later than the second Wednesday in November of that year.

57(4) At the Organizational Meeting of Council, Council shall elect members:

(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.

57(5) The appointments of all citizen members to Committees, Boards and Commissions shall be made by Council on or before 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.

57(6) The election by Council of members under section 57(4), and the appointments of all citizen members under section 57(5) shall take effect immediately upon such election or appointment.

SERVICES OF NOTICES, ORDERS AND DOCUMENTS

58. Where a notice, order or other document is required by the Charter to be given to, sent to or served on a person and no means of determining an address for the person has otherwise been provided by by-law, an address determined in one or more of the following ways may be used:

(a) if the notice, order or document relates to an application made by or on behalf of the person, an address provided in the application may be used;

(b) if the notice is to a person who has made a submission at a hearing, an address provided by the person to the clerk who is responsible for registering persons making submissions or otherwise appearing at the hearing may be used;

(c) if the notice, order or document relates to real property and the person to be served is the owner of the real property, the address maintained by the tax collector for the purpose of issuing the tax notice for that property may be used; or

(d) if the notice, order or document relates to real property and the person to be served is the occupant of real property, the street address for that property may be used.

59. By-law 5400/90 is hereby repealed.

DONE AND PASSED in Council assembled, this day of , 2007.

Mayor

City Clerk

Certified as to form:

For City Solicitor