



**The Corporation of the City of Cornwall**  
**Regular Meeting of Council**  
**By-law 2020-103**

Department: Corporate Services  
Division: Clerk's Division  
By-law Number: 2020-103  
Report Number: 2020-311-Corporate Services  
Meeting Date: August 10, 2020  
Subject: A By-law to Govern the Proceedings of the Council of the Corporation of the City of Cornwall

Whereas the Ontario Municipal Act, 2001, authorizes the Council of every municipality to pass by-laws for governing the proceedings of its Council, the conduct of its Members and the calling of meetings; and

Whereas Section 238 (2) of the Municipal Act further indicates that every municipality and local board shall pass a procedure by-law for governing the calling, place, and proceedings of meetings; and

Whereas Council of the Corporation of the City of Cornwall considers it advisable to pass such a by-law; and

Whereas Council shall also follow the regulations as set out within the *Municipal Conflict of Interest Act*, and the parliamentary authority of Robert's Rules of Order, latest edition.

Now therefore be it resolved that council of The Corporation of the City of Cornwall enact as follows:

## **Article 1 Short Title**

### **1. Citation**

This By-law may be referred to as the Procedural By-Law.

## **Article 2 Interpretation**

In this By-law,

### **2.1 Abstain**

“Abstain” means to refrain from voting.

### **2.2 Abstention**

“Abstention” means a refusal to vote either for or against a proposal.

### **2.3 Act**

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

### **2.4 Acting Mayor or Acting Presiding Member**

Acting Mayor or Acting Presiding Member means the Member appointed, under the By-Law, to act from time to time in the place and stead of the Mayor / Presiding Member.

### **2.5 Ad Hoc Committee**

“Ad Hoc Committee” means a committee appointed by Council from time to time, to act on a temporary or singular issue and shall be discontinued by Council when their recommendations upon the specified initiative or matter have been provided and dealt with by Members of Council and further recommendations are no longer required.

## **2.6 Advisory Committee**

“Advisory Committee” means a committee appointed by Council to act in an advisory capacity to Council on operational and strategic issues during the full term of Council.

## **2.7 Chair**

“Chair” means the Mayor or Acting Mayor or Chair or Acting Chair at a Meeting or Presiding Member.

## **2.8 Chief Administrative Officer**

“Chief Administrative Officer” means the Chief Administrative Officer (CAO) of The City of Cornwall, designated by By-law or delegate.

## **2.9 Clerk**

“Clerk” means the Clerk of The Corporation of the City of Cornwall, appointed by By-law or delegate.

## **2.10 Committee**

“Committee” means a standing, advisory, or special purpose committee established by Council, but not Committee of the Whole.

## **2.11 Committee Chair or Chair**

“Committee Chair” or “Chair” means the Chair of a Standing Advisory or Special Committee appointed by Council.

## **2.12 Committee of the Whole**

“Committee of the Whole” means all the Members present sitting in Committee of the Whole of Council.

## **2.13 Council**

“Council” means all Members of Council of The Corporation of the City of Cornwall, which was elected by the registered voters or who has been appointed by virtue of a vacancy.

## **2.14 Debate**

“Debate” means a discussion to put forth reasons for or against, in which a difference of opinion is expressed.

## **2.15 In-Camera Meeting**

“In-Camera” means a meeting, or portion of a meeting, closed to the general public.

## **2.16 Local Board**

“Local Board” means a municipal service board, transportation commission, board of health, planning board, or any other board commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board, a conservation authority, a public library board and a police services board.

## **2.17 Meeting**

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

- (a) a quorum of Members is present; and
- (b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of Council. For the purpose of this definition, “materially advances” means to move a matter forward in a measurable or identifiable manner towards achieving consensus.

## **2.18 Member**

“Member” means a Member of Council of The Corporation of the City of Cornwall.

## **2.19 Municipal Corporation**

“Municipal Corporation” means The Corporation of the City of Cornwall.

## **2.20 Point of Information**

“Point of Information” means a request through the Chair or another Member, for information relevant to the business at hand, but not related to parliamentary procedure.

## **2.21 Point of Order**

“Point of Order” means a matter that a Member considers to be a departure from or contravention of the rules, procedures, or generally accepted practices of Council.

## **2.22 Question of Privilege**

“Question of Privilege” means a matter that a Member considers as questioning their integrity or the integrity of Council, which relates to the rights and privileges of the Assembly or any of its Members to be brought up for possible immediate consideration because of its urgency.

### **2.23 Position or opinion**

“Position” or “Opinion” means something believed or accepted as true by a person.

### **2.24 Presiding Member**

“Presiding Member” means the Mayor or Acting Mayor.

### **2.25 Recorded Vote**

“Recorded Vote” means the making of a written record of the name and the vote of each Member who votes on a question.

### **2.26 Rules of Procedure**

“Rules of Procedure” means the rules and regulations of Council, as provided for in this By-law.

### **2.27 Special Committee**

“Special Committee” means special committees of Council of The City of Cornwall, where one or more Members of Council participate, but not all Members of Council, as well as the appointment of non-Members and who assemble to discuss a particular subject matter of interest to Council.

### **2.28 Standing Committee**

“Standing Committee” means the standing committees of Council of the City of Cornwall.

### **2.29 Time**

“Time” in this By-law shall be governed by the *Time Act*, R.S.O. 1990, c. T.9, as amended from time to time.

## **Article 3 General Provisions**

### **3.1 Suspension – rules - two-thirds vote**

A rule in this By-law may be suspended for the purpose of that Meeting or for purposes of a specific matter by a vote of two-thirds of the Members present.

A motion to suspend the rules is not debatable.

### **3.2 Calculation - two-thirds vote**

The calculation of two-thirds vote shall be rounded up to the next highest whole number.

### **3.3 Parliamentary authority**

The governing legislation, the Procedural By-law, or any standing or special rules of order adopted by The Corporation of the City of Cornwall shall govern the procedures of Council. Where inconsistencies exist or no rule is specified, the current edition of *Roberts Rules of Order* will be the parliamentary authority which governs the proceedings of The Corporation of the City of Cornwall.

### **3.4 Applicability to all meetings**

This By-law applies to all proceedings of Council.

### **3.5 Support to other municipalities**

If requests are made from other municipalities for support on an issue, the motion to support those requests must be made only by Members, not staff.

## **Article 4 Meetings**

### **4.1 Inaugural - time - place - held**

The Inaugural Meeting of Council following a regular election shall be considered Council's first meeting and shall be held on the first business day in December of an election year.

#### **4.1.1 Inaugural agenda**

The Mayor-Elect and the Clerk shall be responsible for the content of the Agenda of the Inaugural Meeting and the arrangements for the Inaugural proceedings.

### **4.2 Declarations of oath**

Should the term of Council end before the Inaugural Meeting of Council Elect, the Clerk shall obtain executed Declarations of Oath from Members in a sufficient amount as to have a quorum should an Emergency Meeting be called prior to the Inaugural Meeting.

### **4.3 Regular - schedule - designated - time**

The next and each succeeding regular Council meeting shall be held on the second and fourth Mondays of each month, commencing at 7:00 p.m. at such place in the City of Cornwall designated for such purpose by Council and shall be held in accordance with the schedule of meetings of Council prepared by the Clerk.

#### **4.4 Other - on holidays - by resolution**

All regular meetings shall be held on Mondays at the time prescribed by resolution of Council or unless such a day is identified as a public or civic holiday, in which case Council shall meet at the same hour on the next following business day which is not a public or civic holiday.

#### **4.5 March, July, August and December - exception to meetings**

Notwithstanding the provisions of Section 4.3 and 4.4 of this By-law, there shall be one meeting of Council in the month of March, which shall be held on the fourth Monday of the month. During the months of July, August and December the meetings shall be held on the second Monday of each month. Should the meeting fall on a public or civic holiday, Council shall meet at on the following day, which is not a public or civic holiday.

#### **4.6 Notice – public meeting**

Notice shall be given of all public meetings of Council on the previous Agenda detailing the order of business, immediately following the Confirming By-law unless the day of meeting is other than that provided by this By-law.

#### **4.7 Electronic participation**

##### **4.7.1 Electronic participation**

Members may not participate electronically in any council meetings that are open to the public.

##### **4.7.2 Electronic participation – emergencies**

Members may participate electronically during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act.

- (a) despite subsection 4.7.1, a Member of a council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of Members is present at any point in time; and
- (b) despite subsection 4.7.1, a Member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is closed to the public. 2020, c. 4, s. 1.

## **4.8 Meetings**

### **4.8.1 Special meetings - Mayor**

In addition to Public Meetings, the Mayor may at any time call a Special Meeting of Council by giving direction to the Clerk stating the date, time, and purpose of the Special Meeting.

### **4.8.2 Special meeting - Members of council**

Upon receipt of a petition of the majority of the Members, the Clerk shall call a Special Meeting for the purpose and at the date and time mentioned in the petition.

### **4.8.3 Notice - by clerk**

The Clerk shall give all Members notice of a Special Meeting of Council. Such notice shall be at least twenty-four (24) hours before the time appointed for the meeting.

### **4.8.4 Delivery - notice**

Notice may be given by delivering the notice personally (by leaving at the Member's residence or place of business, or by facsimile transmission to such residence or place of business, or by e-mail or telephone) to each Member.

### **4.8.5 Nature of business - notice**

The written or verbal notice shall indicate the nature of the business to be considered, date, time, and place of the Special Meeting.

### **4.8.6 No other business**

No business other than that indicated in the written or verbal notice shall be considered at the Special Meeting.

### **4.8.7 Special meeting - place**

All Special Meetings of Council shall be held at the location of the last regular meeting of Council unless an alternative location is specified in the notice of meeting.



#### **4.9 Emergency meeting - notice not required**

Notwithstanding any other provision of this By-law, an emergency meeting may be held without written notice to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk or the Clerk's designate to notify the Members about the Meeting in the most expedient manner available.

#### **4.10 Location - council meeting**

Council meetings shall be held in Council Chambers located at City Hall. The Inaugural Meeting, Joint Council Meetings and other meetings may be held at another location if public notice has been provided.

#### **4.11 Open - to public - council - committees - exception**

Meetings of Council shall be open to the public except as provided for in this By-law and in accordance with the *Municipal Act*.

##### **4.11.1 Meetings open to public - record**

All Council Meetings open to the public shall be recorded without note or comment on all resolutions, decisions and other proceedings and shall also be electronically recorded and archived.

#### **4.12 Closed - to public - in-camera meeting subject matters**

- (1) A meeting or part of a meeting may be closed to the public if the subject matter being considered is:
  - (a) the security of the property of the municipality or Local Board
  - (b) personal matters about an identifiable individual, including municipal or Local Board employees
  - (c) a proposed or pending acquisition or disposition of land by the municipality or Local Board
  - (d) labour relations or employee negotiations
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or Local Board
  - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose
  - (g) a matter in respect of which a council, Local Board, committee or other body may hold a closed meeting under another Act

- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them
  - (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization
  - (j) a trade secret or scientific, technical, commercial, or financial information that belongs to the municipality or local board and has monetary value or potential monetary value
  - (k) a position, plan, procedure, criteria, or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board
- (2) A meeting or part of a meeting shall be closed to the public if the subject matter being considered is:
  - (a) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if Council, Local Board, commission, or other body is the head of an institution for the purposes of that Act; or
  - (b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act* an Ombudsman referred to in subsection 221.13 (1) of the *Municipal Act*, or the investigator referred to in subsection 239.2 (1).
- (3) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
  - (a) The meeting is held for the purpose of educating or training the Members.
  - (b) At the meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council, Local Board, or committee.

#### **4.12.1 In-camera meeting - resolution**

Prior to holding a meeting which is closed to the public, Council shall pass a resolution stating the purpose of holding the In-Camera Meeting and including the general nature of the matter to be considered at the In-Camera Meeting. Notice shall be given of all In-Camera Meetings.

#### **4.12.2 In-camera meeting - closed to public - time**

In-Camera Meetings shall commence at a time prescribed by the Clerk and/or Chief Administrative Officer upon consultation with the Mayor / Presiding Member.

#### **4.12.3 In-camera meeting - records**

All In-Camera Meetings closed to the public shall be recorded without note or comment on all resolutions, decisions, and other proceedings.

#### **4.12.4 In-camera - confidential matters**

Members shall ensure that confidential matters disclosed to them during In-Camera Meetings are kept confidential. This includes, but is not limited to, all information, documentation, deliberations received, reviewed or taken in an In-Camera Meeting, which may not be released to the public or any individual not entitled to be present at the meeting. Any Member who contravenes this clause may be subject, by majority vote of Council, to penalties in accordance to section 7.9.2.

#### **4.12.5 Information reports – in-camera meetings**

If a report includes a recommendation that an In-Camera report be received for information, Council shall introduce the report in open session after the Closed session discussion using the following procedural motion language:

That Council rise from the In-Camera Meeting and report.

Once Council has risen from the In-Camera Meeting, the motion to receive the report may be introduced using the following motion language:

That confidential report [cite report number] be received.

#### **4.12.6 Reports containing recommendations – in-camera meetings**

If a report includes recommendations for Council approval, the recommendations may be introduced in open session after the Closed session discussion using the following procedural motion language:

That Council rise from the In-Camera Meeting and report.

Once Council has risen from the In-Camera Meeting, the recommendations may be introduced by Council using the following motion language:

That the recommendations contained in confidential report [cite report number] be approved.

#### **4.12.7 Reports – direction to staff – in-camera meetings**

If Council wishes for direction to be given to staff to report back at a subsequent meeting, this direction can appear as part of a recommendation in the staff report and Council may introduce this in open session using the following procedural motion language:

That staff be directed to report back at a subsequent meeting of Council in relation to [state subject matter as appropriate].

Greater detail may be provided in the motion language depending on what direction to staff is required.

#### **4.12.8 Limits on voting – in-camera meetings**

No voting may take place during an In-Camera Meeting except if the vote is for a procedural matter or for giving direction or instructions to officers, employees or agents of the municipality, or persons retained by or under contract with the municipality.

#### **4.12.9 Motions – in-camera meetings**

Motions are permitted during In-Camera Meetings for the purpose of receiving reports and directing staff.

#### **4.12.10 Notice of motion – in-camera meetings**

A notice of motion shall be introduced in writing when a Member wishes to introduce a new motion or to amend, repeal or alter a motion previously approved by Council, and where the motion is to introduce any measure of change in Council's previously established policies. A Member may introduce a notice of motion prior to a Meeting regarding a matter that would not otherwise be considered by Council at such meeting.

Notices of motion added to an agenda by a Member shall not be debated and shall be considered at the next regular Meeting of Council as a resolution.

A notice of motion shall not be considered or otherwise disposed of by Council unless the mover of the motion is in attendance at the meeting. Any Member may agree to second a notice of motion if the seconder is absent from the meeting when the notice of motion is called for by the Mayor / Presiding Member.

Notices of motion must be delivered to the Clerk no later than 12:00 noon on the Tuesday preceding the date of the intended regularly scheduled In-Camera Meeting, so that it may be included as part of the agenda package and proper notice can be given to the public by way of a resolution.

#### **4.12.11 New business – in-camera meetings**

Any item of business that is of a routine nature that has been introduced to Members of Council requiring a formal resolution that was not previously placed on the Agenda shall be considered as a New Business Motion.

A New Business Motion can be prepared in advance setting out the subject matter. In order to debate the Motion, a motion to suspend the rules seeking a 2/3 majority will be required.

A New Business Motion added to an agenda by a Member shall be debated at the intended Meeting as a resolution.

A New Business Motion added to an agenda shall not be considered or otherwise disposed of by Council unless the mover of the motion is in attendance at the meeting. Any Member may agree to second a New Business Motion if the seconder is absent from the Meeting when the motion is called for by the Presiding Member.

A New Business Motion shall be delivered to the Clerk no later than 12:00 noon on the Tuesday preceding the date of the intended regularly scheduled In-Camera Council Meeting, so that it may be included as part of the Agenda package and so that proper notice can be given to the public by way of a Resolution.

#### **4.13 Electronic participation**

Members may not participate electronically in any Council Meeting that is closed to the public except for where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act as previously included in Article 4.7.2 (b).

#### **4.14 Orientation meeting**

An orientation meeting of Council shall be considered as an information meeting to newly elected Members in order to provide Members with the general process of what a Member could expect. This may include information regarding the inaugural meeting process, how many committees they may be sitting on as Council representatives and how that translates into meetings, process of a meeting, protocol, dress codes, payroll, and overview of the budget process.

#### **4.15 Town hall meetings**

Town Hall meetings allow for an open dialogue between residents and Council for a free exchange of ideas and information in an informal atmosphere. Town Hall Meetings are based on a Question and Answer format with all Members of the public welcome to pose questions and provide comments to Council Members. Town Hall Meetings will be conducted in accordance to the Town Hall Meetings Policy.

### **Article 5 Roles**

#### **5.1 Council**

It is the role of Council to:

- (a) represent the public and to consider the well-being and interest of the municipality
- (b) develop and evaluate the policies and programs of the municipality
- (c) determine which services the municipality provides
- (d) ensure that administrative practices and procedures are in place to implement the decisions of Council

- (e) ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality
- (f) maintain the financial integrity of the municipality
- (g) carry out the duties of Council under this or any other Act
- (h) direct staff, by majority vote, to perform such duties as is necessary to the efficient management of the affairs of the community
- (i) direct staff, by majority vote, to research such matters as Council deems necessary

#### **5.1.1 No individual authority**

No individual Member may direct any Member of staff to perform such duties that have not been authorized by resolution of Council.

#### **5.1.2 Established policies – Members – respect**

Members shall respect and adhere to the policies set by Council and under no circumstances take it upon themselves individually to circumvent the established policies.

#### **5.1.3 Council – liaison – with CAO**

Members will liaise primarily only with the Chief Administrative Officer.

#### **5.1.4 Information – by staff – Members of council**

Members may request information from Members of staff who have been assigned the responsibility of providing information, such as meeting times, copies of documents, information on standard operating procedures.

#### **5.1.5 Questions – operational concerns – complaints**

Questions or issues surrounding operational concerns or complaints, excluding basic issues covered in section 5.1.4 shall be directed to the Chief Administrative Officer, who will then direct the questions or issues to the appropriate manager or department head.

### **5.2 Head of council**

It is the role of the Head of Council to:

- (a) act as chief executive officer of the municipality
- (b) preside over Council Meetings
- (c) provide leadership to Council

- (d) without limiting clause (c), provide information and recommendations to Council with respect to the role of Council described in 5.1(c) and 5.1(d) above
- (e) represent the municipality at official functions or delegate a member of Council; and
- (f) carry out the duties of the Head of Council under this or any other Act.

### **5.3 Chief Administrative Officer**

It is the role of the Chief Administrative Officer to:

- (a) exercise general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality and the staff placed under their supervision; and
- (b) perform such other duties as assigned by the municipality.

### **5.4 Clerk**

It is the role of the Clerk to:

- (a) to record, without note or comment, all resolutions, decisions and other proceedings of Council
- (b) if required by any Member present at a vote, record the name and vote of every Member voting on any matter or question
- (c) keep the originals or copies of all by-laws and of all minutes, of the proceedings of Council
- (d) perform other duties required under this Act or under any other Act
- (e) perform such other duties as are assigned by the municipality

### **5.5 Staff – officers, employees**

It is the role of staff (the officers and employees of the municipality) to:

- (a) implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions
- (b) undertake research and provide advice to Council on the policies and programs of the municipality
- (c) carry out other duties required under this or any other Act and other duties assigned by the municipality



## **Article 6**

### **Duties**

#### **6.1 Council**

##### **6.1.1 Preparation of Members to council meeting**

Members shall come prepared to every Meeting by having read the material supplied, including agendas and staff reports, to facilitate discussion and the determination of action at the meeting. When clarification is required, Members are encouraged to take steps to make inquiries of staff regarding questions they have in advance of the meeting.

##### **6.1.2 Requests by Members for substantive reports**

All requests made by Members for reports from staff shall be by Council resolution which shall identify the appropriate department or manager and objectives of the report.

#### **6.2 Mayor / Presiding Member**

##### **6.2.1 Open meeting – call to order**

The Mayor / Presiding Member shall preside over Member conduct at meetings, including the preservation of good order and decorum, ruling on points of order, and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal to Council.

##### **6.2.2 Recognize speakers**

The Mayor / Presiding Member shall recognize any Member who wishes to speak and determine the order of the speakers.

##### **6.2.3 Motions – received – submitted – results announced**

The Mayor / Presiding Member shall receive and submit in the proper manner, all motions presented by Members and put to vote all questions, which are duly moved, and announce the result.

##### **6.2.4 Mayor / Presiding Member may speak or vote**

The Mayor / Presiding Member may speak and/or vote on any question, but if they wish to make a motion they shall first leave the Chair by designating the Acting Presiding Member, and if the Acting Presiding Member is absent, by designating another Member to act in their stead until they resume the Chair.

**6.2.5 Debate – enforce rules – restrain Members**

The Mayor / Presiding Member shall restrain the Members, within the rules of procedure when engaged in debate.

**6.2.6 Decorum – order – enforced**

The Mayor / Presiding Member shall enforce on all occasions the observance of order and decorum among the Members.

**6.2.7 By-laws – resolutions – minutes – authentication**

The Mayor / Presiding Member shall authenticate, by the Mayor / Presiding Member's signature when necessary, all by-laws, resolutions and minutes of Council.

**6.2.8 Point of Order – inform Members**

The Mayor / Presiding Member shall inform the Members on any point of order.

**6.2.9 Disorder – adjourn – suspend – recess – meeting**

The Mayor / Presiding Member shall adjourn the meeting without the question being put, or to suspend or recess the sitting for a time to be named if considered necessary because of disorder arising in the meeting.

**6.3 Head of council (Mayor) – acting**

**6.3.1 Appointment – upon recommendation**

Council shall appoint by by-law Members to act as the acting Mayor / Presiding Member in the place and stead of the head of council when the head of council is absent from the municipality, or is absent through illness, or refuses to act.

**6.3.2 Duties – powers – authority**

The Mayor / Presiding Member while performing the duties in the place of the Head of Council shall have all the duties, rights, powers and authority of the Head of Council during the absence, illness or refusal to act by the Head of Council.

## **Article 7**

### **Conduct During Meetings**

#### **7.1 Sovereign – Royal Family – to be respected**

No Member shall speak disrespectfully of the reigning Sovereign or of any of the Royal Family or of the Governor General, the Lieutenant Governor or any Province or any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.

#### **7.2 Members of council – municipal staff**

No Member shall speak disrespectfully of nor shall they use offensive words against Members or staff.

#### **7.3 Speaking – subject in debate only**

No Member shall speak on any subject other than the subject in debate.

#### **7.4 Criticize – decision – exception – reconsideration**

No Member shall criticize any decision of Council except for the purpose of moving that the question be reconsidered.

#### **7.5 Breach – persistent – seat vacated – unless apology**

Members shall refrain from harmful conduct to the Corporation or its purposes. No Member shall breach the rules of this By-law, or a decision of the Mayor / Presiding Member or of Council as a whole on questions of order or practice, or upon the interpretation of the rules of Council. In the case where a Member persists in any such breach after having been called to order by the Mayor / Presiding Member, the Mayor / Presiding Member may order that such Member leave their seat for the duration of the Meeting. If the Member apologizes the Member may be permitted to retake their seat.

#### **7.6 Dress code – regular – televised – council meetings**

All Members shall wear proper business attire during regularly scheduled Meetings and In-Camera Committee Meetings.

#### **7.7 Dress code – special and budget meetings**

During any Special or budget meeting, Members may, if they so choose, wear business casual attire, which shall mean clothing that is less formal than the regular business attire.

## **7.8 Apparel at meetings**

Wearing of any hats, other than for religious purposes, are strictly forbidden by any Member, staff person or Member of the public. No Member, staff person or Member of the public shall wear clothing with offensive pictures, slogans or profane language statements or clothing that promotes causes that include, but are not limited to politics, religion, sexuality, race, age, gender and ethnicity.

## **7.9 Code of ethics confidentiality**

### **7.9.1 In-camera subjects – public interest**

Upon completion of In-Camera Meetings, the decisions of Council with respect to any of the enumerated items listed in Section 4.11, and directions to City staff in accordance therewith, shall then be reported publicly by Council to the extent permitted and based on the interest of the public.

### **7.9.2 Council response – in-camera meetings – enquiries**

The response of Members to enquiries about any matter dealt with during an In-Camera Meeting, prior to it being reported publicly, shall be this matter is still under advisement, no comment, or similar words to that effect. Members may only speak publicly about those aspects of an In-Camera Meeting that have been made public; all other aspects of the matter shall remain confidential.

#### **(a) Violation of regulation**

Any violation of process to this regulation will result in exclusion of the offending Member by way of a two-thirds vote of Members present, from future closed meetings of Council and that Member shall no longer be provided with correspondence, materials or information proposed to be dealt with by Members at an In-Camera Meeting, for the duration of the expulsion deemed appropriate by Council.

#### **(b) Exclusion – closed meetings**

The determination of whether or not a violation of process to the closed meeting provisions of this By-law and the length of the exclusion from In-Camera Meetings, if so determined, shall be made by Council at an In-Camera Meeting and the issues shall be considered by Council prior to the affected Member being excluded from any In-Camera Meeting by a two-thirds vote of the Members present. The result of Council's deliberation shall be reported out publicly to the extent permitted under this By-law.

**(c) Separate resolution – per Member**

If the purported violation of the process of the In-Camera Meeting provisions of this By-law by more than one Member is to be considered, a separate resolution of Council with respect to each affected Member shall be considered.

**(d) Member not permitted to vote**

Notwithstanding Section 7.9.2 sub-section (c), the Member affected shall not be permitted to vote on a motion respecting the Member's purported violation of the closed meeting provision of this By-law, the Member's exclusion from closed meetings, or the length of any such exclusion.

**(e) Release of information**

The release of any information about matters dealt with by Council at a closed meeting shall be by the Mayor / Presiding Member or the Mayor's delegate only upon direction of the majority of Council.

**(f) Member - expresses personal position**

Notwithstanding Section 7.9.2 sub-section (b), unless Council by vote determines otherwise, upon the public disclosure of any report discussed In-Camera during a Committee of Council Meeting, any individual Member may express their own personal position on the item, but shall not refer to or discuss the specific positions or opinions (written or verbal) of other Members or of staff expressed at the In-Camera Meeting.

**(g) No release – public**

Agendas or any items thereon for consideration by Council at an In-Camera Committee of Council closed meeting shall not be released to the public.

**(h) Obligation – confidentiality**

It is the obligation of each Member to keep information confidential and this obligation continues even after the Member ceases to be a Member of Council.

## **Article 8**

### **Rules of Debate**

#### **8.1 Mayor / Presiding Member - preserve order**

The Mayor / Presiding Member shall preserve order and decorum and decide questions of order subject to an appeal to Council or Committee by any Member.

#### **8.2 Address to Mayor / Presiding Member**

Members, prior to speaking on any motion, shall indicate their desire to speak by raising their hand and shall not rise to speak until recognized by the Mayor / Presiding Member.

#### **8.3 Order of speaking - determination**

The Mayor / Presiding Member shall recognize Members in the order they indicate their desire to speak, be acknowledged by the Mayor / Presiding Member and shall address the Mayor / Presiding Member.

#### **8.4 Voting - Members - seated - disturbance prohibited**

When the Mayor / Presiding Member calls for the vote on a motion, each Member shall occupy their seat and shall remain there until the result of the vote has been declared by the Mayor / Presiding Member, and during such time no Member shall walk across the room to speak to any other Member or make any noise or disturbance.

#### **8.5 Speaking - passing between Mayor / Presiding Member - interruption**

When a Member is speaking, no Member shall pass between the speaker and the Mayor / Presiding Member or interrupt the speaker except to raise a question of privilege, appeal from the decision of the Mayor / Presiding Member, or raise a point of order.

#### **8.6 Speaking - motion - read upon request**

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

#### **8.7 Speaking - duration - time limit - 3 minutes**

No Member shall speak more than once to the main question without approval of Council, except in explanation of a material part of the Member's speech which may have been misunderstood, but they may not introduce a new matter. A right of reply shall be allowed to a Member who has made a substantive motion to Council, and no Member shall, without leave of Council, speak to the same question or in reply for longer than three (3) minutes.

**8.8 Question - motion under discussion - through chair**

A Member may concisely ask a question through the Chair only for the purpose of obtaining information relating to the motion under discussion.

**8.9 Question - integrity of staff**

A Member, while asking questions through the Chair, shall at no time put into question the municipal employee's personal or professional integrity.

**8.10 Mayor / Presiding Member - participation - step down - other designated**

If the Mayor / Presiding Member desires to leave the chair for the purpose of debating or moving a motion, the Mayor / Presiding Member shall designate the Acting Mayor / Acting Presiding Officer to Chair the meeting until such time as the motion(s) and any subsidiary motion(s) applicable to the main motion are disposed of.

**8.11 Motion - seconded - before debate**

A motion shall be seconded before it is debated or voted on.

**Article 9  
Order of Business**

**9.1 Agenda – content**

The business of Council shall in all cases, be taken up in the following order unless otherwise decided by two-thirds of the Members present.

- (a) In-Camera Session / Rise and Report
- (b) Moment of Personal Refection
- (c) National Anthem
- (d) Opening
- (e) Roll Call
- (f) Additions, Deletions or Amendments
- (g) Adoption of Agenda
- (h) Disclosures of Interest
- (i) Committee of the Whole
- (j) Adoption of Minutes
- (k) Presentations
- (l) Delegations
- (m) Consent Reports
- (n) Resolutions



- (o) Reports from Unfinished Business and Unfinished Business Listing
- (p) Communication Reports
- (q) New Business Motions
- (r) By-laws
- (s) Reports from Standing, Advisory, Special and Ad Hoc Committees
- (t) Notices of Motion
- (u) Confirming By-law
- (v) Adjournment and Next Regular Meeting of Council

#### **9.1.1 Delivery of agenda**

The agenda will be delivered by electronic transmission to each Member by the Clerk's Division no later than the Wednesday preceding the scheduled public Council meeting. Exceptions may be allowed when preparations of Council Agenda fall on a week providing four workdays, due to statutory holidays or extenuating circumstances. The Agenda will be available to staff and the media by way of posting it on the City's website after it has been electronically delivered to Members of Council.

### **Article 10 Quorum**

#### **10.1 Call to order - quorum present**

As soon after the hour fixed for holding the meeting of Council as there is a quorum present, the Mayor / Presiding Member shall call the Members to order.

#### **10.2 Quorum**

A majority of the Members elected (50% +1) to Council shall constitute a quorum.

#### **10.3 Quorum - not present - time limit**

If there is no quorum within fifteen (15) minutes after the time fixed for holding the meeting of Council, the Clerk shall call the roll and take down the names of the Members present, and the meeting shall stand adjourned until the next regular meeting, or at the call of the Mayor / Presiding Member.

#### **10.4 Mayor / Presiding Member - absent**

In the case of the Mayor / Presiding Member not attending within fifteen (15) minutes after the hour fixed for holding the meeting of Council, and provided that a quorum is present, the Acting Mayor shall take the Chair and call the Members to order. They shall preside until the arrival of the Mayor / Presiding Member.



#### **10.5 Mayor / Presiding Member - Acting Mayor – Acting Presiding Member - absent**

In the absence of the Mayor / Presiding Member and Acting Mayor / Acting Presiding Member, and if a quorum is present, the Clerk shall call the Members to order. A Chairperson shall be chosen from among the Members present, who shall be the Acting Presiding Member over the meeting until the arrival of the Mayor / Presiding Member or Acting Mayor / Acting Presiding Member.

#### **10.6 Quorum - Municipal Conflict of Interest - remedy for lack of quorum**

Where the number of Members who, by reason of the provisions of the *Municipal Conflict of Interest Act*, are disabled from participating in a meeting is such that, at that meeting, the remaining Members are not of sufficient number to constitute a quorum, then, despite any other general or special act, the remaining number of Members shall be deemed to constitute a quorum, provided such number is not less than two (2).

#### **10.7 Application to judge**

Where in the circumstances mentioned in subsection 10.6 the remaining number of Members who are not disabled from participating in the meeting is less than two, the Council may apply to a judge in accordance with section 7(2) of the *Municipal Conflict of Interest Act* without notice for an order authorizing the Council to give consideration to, discuss and vote on the matter out of which the interest arises and Council would await the Court's decision in accordance with section 7(3) of the *Municipal Conflict of Interest Act*.

### **Article 11 Committee of the Whole**

#### **11.1 Committee of the whole - Mayor presides**

When Council enters into the Committee of the Whole, the Mayor at any time may preside or may leave the Chair, but if the Mayor leaves the Chair, he/she shall first appoint the Acting Mayor as Chairperson of the Committee who shall maintain order and who shall report the proceedings thereof.

### **11.2 Reports to be considered**

While in Committee of the Whole, the following reports shall be considered: Adoption of minutes, presentation, delegations, resolutions, consent reports, reports from unfinished business and Unfinished Business Listing, communication reports and by-laws.

Complex reports, as determined by the Mayor, Chief Administrative Officer and the Clerk, shall be placed on the agenda at one meeting for information purposes, without discussion until the following regular meeting.

### **11.3 Reading – by-laws**

It shall not be necessary to have the by-laws read in their entirety unless a majority vote by Council requires that the by-laws be read, or a particular by-law be read.

### **11.4 Debate - by-laws**

Any by-law may be debated and is subject to amendments or referred for future consideration and re-introduced in the same manner or in an amended matter at a future meeting.

## **Article 12 Minutes**

### **12.1 Contents - recorded - by Clerk**

The Clerk shall prepare and cause the minutes to be taken of each Meeting of Council which shall include:

- (a) The place, date and time of the meeting
- (b) The name of the Presiding Officer and the record of the attendance of the Members. Should a Member enter after the commencement of a Meeting or leave prior to adjournment, the time shall be noted
- (c) All other proceedings of Council without note or comment

### **12.2 Included in Agenda**

Minutes of the last regular meeting of Council and of all Special Council Meetings held subsequent to the last regular meeting, shall be included in the agenda and may be adopted by Council without having been read at the Meeting at which the question of their adoption is considered. Should a Special meeting be held during or after final preparations of an agenda for an upcoming regular meeting, the minutes of those special meetings shall be scheduled at the next regularly scheduled meeting.

### **12.3 Adoption - without reading**

Council minutes may be adopted by Council without being read.

### **12.4 In-Camera minutes - adoption**

All minutes for In-Camera Meetings shall be presented to Members of the Committee for adoption at the next scheduled In-Camera Meeting.

## **Article 13 Presentations – Delegations**

### **13.1 Heard - request submitted - deadline - items on agenda**

Persons desiring to address Council for the purpose of making a verbal presentation with respect to items for Council consideration that fall under Council's mandate shall be heard at a Council meeting, with those delegations having submitted their request in writing to the Clerk by 12:00 noon on the Monday preceding the meeting of Council.

### **13.2 Material - written - submitted for Council - deadline**

Written material to be distributed to Council shall be submitted to the Clerk by 12:00 noon on the Tuesday preceding the meeting of Council and the notice shall specify clearly the business to be presented, who the spokesperson shall be, the date at which the delegation wishes to be entertained.

### **13.3 Presentation defined**

A request made for a presentation may be made by Council to an individual, group or organization or to Council by individuals, groups or organizations for matters that fall under Council's mandate. A request shall be considered a presentation if there is no action expected from Council and is for information only. Should the request to present be made where it requires that action be taken by Council, the request shall be made under Delegations.

#### **13.3.1 Presentations - time limit**

Council shall hear any presentation for information purposes only, and presentations shall be limited to a maximum of ten (10) minutes.

**(a) Exceptions** of the ten (10) minute time frame are provided to the City's auditor upon its annual presentation of the City of Cornwall's Financial Statement and to all City-initiated consultation work.

**(b) Spokesperson - presentation and/or delegation**

An organized body wishing to address Council as a presentation and/or delegation, regardless of the number of spokespersons shall be limited to a maximum of ten (10) minutes.

**(c) Number of presenters**

An organized body wishing to address Council as a presentation and/or delegation, shall be limited to three (3) spokespersons.

**13.3.2 Restrictions and permission**

**(a) Presentations and/or Delegations from business**

Presentations and/or Delegations from business and organizations shall not be permitted to appear before Council for the purpose of generating publicity for an event, or to promote their business.

**(b) Presentations and/or delegations from non-profit and charitable organizations**

Non-profit and charitable organizations, who wish to promote an event to raise Cornwall's profile to visitors and potential residents, shall have their documentation included on the Consent portion of the Agenda for council to receive.

**(c) Number of presentations and/or delegations – meetings**

On any given scheduled Council meeting, there shall be a maximum of three (3) combined presentations and/or delegations permitted.

**(d) Time Schedule – questions**

Members, collectively, shall be permitted a question period for each presentation and/or delegation of a maximum ten (10) minutes.

**(e) Exceptions** of the ten (10) minute time frame are provided to the City's auditor upon its annual presentation of the City of Cornwall's Financial Statement and to all City-initiated consultation work.

**13.4 Delegations - time limit**

Persons desiring to address Council as a delegation at a meeting of Council, except as a delegation at a public meeting pursuant to the provisions of the *Planning Act* shall be permitted to speak on a matter only once and be limited to speak for no more than ten minutes.

### **13.5 Questions - to delegation**

Members are permitted to ask questions of delegates but shall not make statements to or enter into debate with such persons.

### **13.6 Delegations - requests for action - referred**

Delegations which request action to be taken by Council shall be referred to staff, by majority vote, for a report that shall be dealt with at an ensuing Council meeting.

### **13.7 Delegations - previously heard by - planning advisory and hearing committee**

Any person, not being a Member, desiring to address Council after having addressed the Planning Advisory and Hearing Committee, shall notify the Clerk, in writing, of the request and shall include with the request any new information that was not available at the hearing before the Planning Advisory and Hearing Committee. A notice of delegations will not qualify for a designated regular meeting if received later than 12:00 noon on the Monday preceding the said meeting.

### **13.8 Delegation - deemed - inappropriate for council**

(a) When it is deemed inappropriate that a delegation address Council, the Clerk shall notify the delegation and Council with a supporting explanation. Such written explanation shall be delivered to Council. If Council wishes to hear the delegation, it shall, by two-thirds vote of Members in attendance, introduce a motion to suspend the rules to allow the delegation to be heard.

### **13.9 Delegation - limit per issue**

No more than two delegations shall be allowed to speak on an issue: one delegation from the prevailing side; and one delegation from the opposition.

### **13.10 Delegation - statements - unsubstantiated**

Whenever a delegation in its presentation offers comments or statements that are deemed to be erroneous and unsubstantiated, any Member or city official may be recognized by the Mayor / Presiding Member on a Point of Order whereby the Member or City Official so recognized by the Mayor / Presiding Member may bring necessary corrections or clarifications to the comments or statement said by the delegation.

## **Article 14 By-Laws**

### **14.1 Description - listed on agenda**

All by-laws, together with a brief description shall be listed on the agenda for the meeting at which they are to be read.

### **14.2 Introduction - upon motion - title read**

Every by-law shall be introduced upon motion of a Member specifying the title of the by-law.

### **14.3 Form - typewritten - compliance - relevant act**

Every by-law when introduced shall be in typewritten form and shall comply with the provisions of any relevant Act.

### **14.4 Readings - prior to passing**

Every by-law caption shall be read prior to it being passed and endorsed by Council.

Council may pass a series of by-laws without reading the captions of each provided that the by-laws listed on the agenda and the motion to adopt refers to the by-law numbers as set out on the agenda.

### **14.5 Purpose - effect - explained upon request**

Any Member may request that the purpose and effect of any particular by-law be explained and any City Official having knowledge thereof may provide such explanation.

### **14.6 Debate - amendment**

A by-law may be debated or amended before final adoption by Council.

### **14.7 Passed - numbered - dated - signed - seal affixed**

Every by-law passed by Council shall be numbered, dated, and shall be sealed with the seal of the Municipal Corporation and signed by the Mayor (or acting Mayor) and the Clerk (or Deputy Clerk) and shall be kept by the Clerk in the Clerk's office or any other place appointed for that purpose.

#### **14.8 Confirmation - conclusion - of meeting**

At the conclusion of all regular meetings of Council and prior to adjournment, a by-law shall be brought forward to confirm the actions of Council at that meeting in respect of each motion, resolution and other action taken.

#### **14.9 Confirmation - introduction - voted on - without debate**

A confirming by-law when introduced shall be taken as read and finally adopted without debate.

### **Article 15 Consent / Correspondence**

#### **15.1 Items - considered - for inclusion**

All items to be considered for the consent portion of the agenda shall be determined by the Mayor, Chief Administrative Office, and the Clerk.

#### **15.2 Consent items - explanatory note - one motion**

items listed under the consent agenda shall be preceded by an explanatory note indicated "all matters listed on the consent agenda are considered to be routine and will be enacted by one motion. There will not be any separate discussion of these items".

#### **15.3 Items for discussion - routine**

All items listed under the consent agenda shall contain routine matters which are not controversial in nature and which do not need further discussion. Routine matters include such matters that do not require Council's consideration of a report from staff.

#### **15.4 Petitions**

All petitions must be in compliance with the council-approved petition policy and will be presented to Council under the consent agenda with recommendation to refer it to Administration for a Report.

#### **15.5 Tenders**

All reports identified as tenders, quotations, or requests for proposals, pursuant to the City's Procurement Policy, presented to Council for approval, shall be included under the consent agenda.

#### **15.6 Committee Reports - PAC**

Planning Advisory and Hearing Committee Reports (PAC) presented to Council for approval, shall be included under the consent agenda.



### **15.7 Request to separate - consent item - to communication**

Should a Member wish to discuss any matter listed under the consent agenda, the Member shall ask immediately upon the Mayor / Presiding Member calling “any amendments, deletions or corrections to the agenda”, at which time the Member shall request that the item be separated and dealt with under “communication reports”.

## **Article 16**

### **Resolutions - Notices of Motion**

#### **16.1 Resolutions - notices of motion - debated separately**

Every matter listed under “Resolution or Notice of Motion” introduced at a previous meeting, shall be dealt with individually.

#### **16.2 Resolutions - consecutively numbered**

All resolutions presented to Council shall be consecutively numbered, on a yearly basis.

#### **16.3 Resolution by council Members**

Members may introduce a Resolution without the necessity of introducing a notice of motion first if the matter is not to amend, repeal or alter a by-law, the pre-approved budget or any motion previously approved by Council, and where the motion is not to introduce any measure of change in Council’s previously established policies.

#### **16.4 Notices of motion - when required - annual budget**

A notice of motion shall be introduced in writing, when a Member or staff wishes to amend, repeal or alter a by-law, the pre-approved budget or any motion previously approved by Council, and where the motion is to introduce any measure of change in Council’s previously established policies.

#### **16.5 Notice - introduced - notice – requirements**

**16.5.1** A Member may introduce a notice of motion at a meeting regarding a matter that would not otherwise be considered by Council at such meeting, by delivering a written copy of the motion, signed by the mover and seconder, to the Clerk.

**16.5.2** A Member of staff may introduce a Notice of Motion without the requirement of a mover and seconder.



**16.6 Notice - received - by clerk - included - in agenda**

Notice of motions introduced at a public meeting of Council shall not be debated and shall be recorded on the next regular meeting of council under Resolutions.

**16.7 Consideration - disposal - deferred - to other meeting**

A notice of motion shall not be considered or otherwise disposed of by Council unless the mover of the motion is in attendance at the meeting.

**16.8 Seconded - by any Member - seconder not present**

Any Member may agree to second a notice of motion if the seconder is absent from the meeting when the notice of motion is called for by the Mayor / Presiding Member.

**16.9 Notice - delivered - time**

Notices of motion may be delivered to the Clerk no later than 12:00 p.m. (noon) on the Tuesday preceding the date of the next regular meeting, in order to be included to the final agenda, at which time the motion is to be introduced, or be read at the end of a regularly scheduled meeting of Council.

**Article 17**

**Unfinished Business Reports and Communication Reports**

**17.1 Written - legible - signed**

Every unfinished business or communication report to be presented to Council shall be prepared under the approved electronic submission program, with an identifiable recommendation, and shall be signed by the Manager and Chief Administrative Officer and where financial implications are identified, the General Manager of Finance.

**17.2 Deadline - material submitted - to clerk**

Every unfinished business or communication report which deals with a matter on the Council agenda shall be delivered to the Clerk no later than 12:00 p.m. (noon) on the Tuesday preceding the meeting of Council in order to be printed on the agenda.

**17.3 Agenda - preparation - substance**

The Clerk shall prepare a summary of the substance of all unfinished business and communication reports for inclusion on the agenda.

#### **17.4 Unfinished business listing**

All matters brought forward to Members for consideration and that have not been disposed of or that has been referred or committee to a future date, shall be indexed under a “unfinished business listing” and considered unfinished business and shall identify which department has been given ownership of providing a future report.

### **Article 18 Disclosure of Pecuniary Interest**

#### **18.1 Disclosing – Pecuniary Interest - Member responsibility**

When a Member, either on their own behalf or while acting for, by, with or through another, has a pecuniary interest in a matter on the agenda, the Member shall not take part of the discussion of or vote on any question in respect of the matter and shall not attempt in any way, either before, during, or after the meeting, to influence the voting on any such question.

#### **18.2 Disclosing pecuniary interest - written statement – no influencing**

At a Meeting where a Member discloses a pecuniary interest, the Member shall file a written statement of the pecuniary interest and its general nature with the Clerk prior to the start of the meeting. The Member shall disclose the pecuniary interest, including the general nature thereof, prior to any consideration of the matter and shall not take part in the discussion of or vote on any question in respect of the matter and shall not attempt in any way whether before, during or after the Meeting to influence the voting on any such question.

#### **18.3 Member - leave meeting - in-camera**

Where the Meeting is In-Camera, in addition to complying with section 18.1 and 18.2, the Member shall immediately leave the Meeting or the part of the Meeting during which the matter is under consideration.

#### **18.4 Member - absent - from meeting**

When the interest of a Member has not been disclosed as required by subsection 18.1 by reason of the Member’s absence from the meeting at which the matter was discussed, the Member must disclose the interest and otherwise comply with subsection 18.1 at the next meeting of Council which the Member attends. At the next meeting attended, the Member shall also comply with section 18.2(b).

### **18.5 Declaration - recorded - minutes**

The declaration of pecuniary interest shall be recorded in the Minutes or report of the meeting and, where the meeting was open to the public, the general nature of such declaration. Where the Meeting was In-Camera, every declaration of interest made under section 18.1 must be recorded in the minutes of the next open meeting, but not the general nature thereof.

### **18.6 Registry**

The City of Cornwall shall establish and maintain a registry in which shall be kept

- (a) a copy of each statement filed; and
- (b) a copy of each declaration recorded.

## **Article 19 New Business Motions**

### **19.1 New business - routine nature**

Any item of business that is of a routine nature that has been introduced to Members of Council requiring a formal resolution that was not previously placed on the Agenda shall be considered as a new business motion.

### **19.2 New business - in writing - mover and seconder - filed**

All new business motions shall be introduced in writing, with a mover and seconder and filed with the Clerk.

### **19.3 New business - filing time - inclusion on agenda**

New business motions that are filed prior to 12:00 noon on the Tuesday preceding a regular meeting shall be included to the printing of the agenda.

### **19.4 New Business - voted on individually**

All new business motions shall be voted on individually.

### **19.5 New Business - non-routine - notice of motion**

New business motions that are not of a routine matter, shall be received and read by the Clerk as a notice of motion and re-introduced at the next regular meeting of Council under "Resolution for Council discussion", such as but not limited to expenditures, changes in policy etc.

#### **19.6 New Business – introduced – regular meeting**

Motions of a new business nature may be filed with the Clerk during the regular meeting of Council and shall be read during the New Business section of the Agenda. The mover of the motion shall provide copies of the proposed New Business motion to all Members of Council prior to the meeting at which the motion is being introduced.

#### **19.6 Matters not under council jurisdiction**

Any matter not considered to be matters under the Municipal Council's jurisdiction, after consultation with the Mayor, Chief Administrative Officer and City Clerk, shall not be accepted.

### **Article 20 Voting**

#### **20.1 Mayor / Presiding Member need not vote**

The Mayor / Presiding Member may vote as any other Member when the vote is to be recorded. In all other cases, the Mayor / Presiding Member, may (but is not obliged to) vote whenever their vote will affect the result – that is, the Mayor / Presiding Member may vote either to break or to cause a tie; or, in the case of a two-thirds vote requirement, the Mayor / Presiding Member may vote either to cause or to block the attainment of the necessary two-thirds vote.

#### **20.2 All questions - exception - disqualified**

Every Member present at a meeting, with the exception of Section 20.1, when a question is put may vote thereon unless disqualified to vote on the question.

#### **20.3 Failure to vote - deemed negative**

Failure to vote by a Member who is not disqualified, and who has not indicated that they abstain (decline to vote) shall be deemed to be a negative vote.

#### **20.4 Member abstaining from voting**

Refusing or failing to vote is considered an abstention and shall be deemed to be a negative vote unless the Member is not participating in the vote due to a declared conflict of interest. The minutes shall record the vote as "negative"

#### **20.5 Motion - simple majority - required - exception**

The vote required to pass a motion shall be a simple majority (50% +1) except as otherwise provided in this By-law, by Statute or by *Robert's Rules of Order*.

**20.6 Equal - motion deemed negative**

In the case of an equal division of votes on a motion, the motion shall be deemed to have been decided in the negative and defeated for want of a majority.

**20.7 Show of hands - exception - recorded vote**

The manner of determining the desire of Council on a motion shall be by show of hands.

**20.8 Recorded – by request – vote announced openly**

Where a vote is taken for any purpose and a Member requests immediately prior or immediately subsequent to the taking of the vote that the vote be recorded, each Member present, except a Member who is disqualified from voting, shall announce their vote openly. Any failure to vote by a Member who is not disqualified or who has abstained from voting shall be deemed to be a negative vote. The Clerk shall record each vote.

**20.9 Division - separate vote - each proposal**

At the request of a Member of Council, a motion containing distinct proposals, that can be acted upon individually may be divided, and a separate vote shall be taken upon each individual proposal.

**20.10 Member not in their seat - deemed absent**

A Member not in their seat when the question is called by the Mayor / Presiding Member is not entitled to vote on that question and in the case of a recorded vote, shall be recorded as absent.

**20.11 Mayor / Presiding Member - stating the question**

Immediately preceding the taking of the vote, the Mayor / Presiding Member shall state the question in the form introduced.

**20.12 Announcing - results**

The Mayor / Presiding Member shall announce the result of every vote.

## **Article 21**

### **Motion - To Appeal**

#### **21.1 Made - at time of ruling - point of order**

A motion to appeal from the decision of the Mayor / Presiding Member shall be made only at the time the ruling is made by the Mayor / Presiding Member and shall not require a seconder.

#### **21.2 Decision - Mayor / Presiding Member - final**

Unless a Member immediately appeals the Mayor / Presiding Member's decision, the decision of the Mayor / Presiding Member shall be final.

#### **21.3 Non-debatable - amendable - reconsidered**

A motion to appeal the decision of the Mayor / Presiding Member shall not be debated or amended. The challenger is permitted one minute to describe the reason for the appeal, followed by a one-minute response from the Mayor / Presiding Member (if the Mayor / Presiding Member so desires). No further debate is permitted. A simple majority of the Members present and voting in favour of the appeal is required to overturn the decision of the Mayor / Presiding Member.

## **Article 22**

### **Question of Privilege**

#### **22.1 Integrity - Member - council - in question**

Where a Member considers that the integrity of a Member or the integrity of Council as a whole has been called into question, the Member may, as a matter of privilege, rise at any time, with the consent of the Mayor / Presiding Member, no debate being allowed, for the purpose of drawing the attention of Council to the question.

#### **22.2 Motion - to receive disposition - treated as main motion**

A motion resulting from a question of privilege shall receive disposition by Council forthwith, and, following such disposition, the motion so interrupted shall be immediately considered at the point where it was suspended.

## **Article 23**

### **Request for Information**

#### **23.1 Request information**

Where a Member is uncertain of a particular issue being discussed, the Member may ask the presiding officer to clarify or if the Mayor / Presiding Member is unsure of the answer, may direct the question to another Member. All requests for information shall be on the business pending or on parliamentary situation.

## **Article 24**

### **Withdrawal - Motion**

#### **24.1 Withdrawal of motion**

A request to withdraw a motion shall only be made by the mover of the motion.

#### **24.2 Without consent of seconder**

A request to withdraw a motion may be made without the consent of the seconder of the motion.

#### **24.3 In order - anytime during debate**

A request to withdraw a motion shall be in order anytime during debate.

#### **24.4 Objection - by Member - entertained - main motion**

If a Member objects to the withdrawal of the motion, a motion to maintain the question, may be entertained and become a main motion.

#### **24.5 No objection - withdrawal - without seconder - vote**

If no Member objects to the withdrawal of the motion, the motion shall be considered withdrawn without the necessity of a seconder and a vote.

## **Article 25**

### **Point of Order**

#### **25.1 Rules of procedure - breached**

A point of order may be called by a Member to bring attention to any breach of the Rules of Procedure of Council.

#### **25.2 Language - improper - offensive**

A point of order may be called by a Member to bring attention to the use of improper offensive or abusive language.

**25.3 Discussion - not valid - outside proposed motion**

A point of order may be called by a Member to bring notice of the fact that the matter under discussion is not within the scope of the proposed motion.

**25.4 Proceedings - other - informality - irregularity**

A point of order may be called by a Member to bring attention to any other informality or irregularity in the proceedings of Council.

**25.5 Member - rise - ask leave of chair - point stated**

When a Member rises on a point of order, the Member shall ask leave of the Mayor / Presiding Member to raise the point of order; and after leave is granted, the Member shall state the point of order to the Mayor / Presiding Member.

**25.6 Decision - announced -prior to recommencement**

No further business shall be conducted until the Mayor / Presiding Member has decided and stated the point of order.

**25.7 Address - to Mayor / Presiding Member - purpose - to appeal decision**

Thereafter, a Member shall only address the Mayor / Presiding Member for the purpose of appealing the Mayor / Presiding Member's decision to Council.

**25.8 Decision - of Mayor / Presiding Member - final - no appeal**

If no Member appeals, the decision of the Mayor / Presiding Member shall be final.

**25.9 Appeal - Member right - Mayor / Presiding Member reply - decision final**

If a Member appeals to Council, the Member shall have the right to state a case. A seconder is required, and the Mayor / Presiding Member shall have the right to reply and place the question before Council who shall decide the question without debate, and its decision shall be final. In an appeal from the decision of the Mayor / Presiding Member, a tie vote sustains the Mayor / Presiding Member's decision.



**Article 26**  
**Close Debate - Put the Question**

**26.1 Non-debatable - amendable**

A motion to close debate (or) put the question shall not be debatable or amendable and shall require a two-thirds vote.

**26.2 Resolved - affirmative - original motion put - no debate**

When a motion to close debate (or) put the question is in the affirmative, the original motion shall be put forward without debate or amendment.

**Article 27**  
**Refer or Commit**

**27.1 Debatable - amendable - reconsideration - permitted**

A motion to refer or commit a matter shall be debatable and amendable.

**27.2 Motion - deemed - possession of Council**

After a motion is read by the Clerk, it shall be deemed to be in possession of Council but may be withdrawn at any time before decision or amendment, with permission of Council.

**27.3 Motion presented - debate**

When a motion is presented in Council, it shall be read before debate.

**27.4 Motion - outside jurisdiction - of Council**

A motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.

**27.5 Disposition of motion**

A motion properly before Council for decision must receive disposition before any other motion, not relevant to the main motion, is introduced.

## **Article 28**

### **Motion to Amend**

#### **28.1. Motion to amend – basic forms**

A motion to amend takes three basic forms:

- (a) Inserting or adding words or paragraphs.
- (b) Striking out words or paragraphs.
- (c) Striking out words and inserting or adding others or substituting an entire paragraph or complete resolution for another.

#### **28.2 Debatable - amend - permitted**

A motion to amend shall be debatable unless the motion to which it pertains to is undebatable.

#### **28.3 Written - when requested - by Mayor / Presiding Member**

A motion to amend shall be presented in writing when requested by the Mayor / Presiding Member.

#### **28.4 Relevant to main motion**

A motion to amend shall be germane to the main motion.

#### **28.5 Contrary - to main motion - not in order**

A motion to amend shall not be in order if it not germane to the main motion.

#### **28.6 Amendment**

Only one amendment shall be allowed to a motion at one time. A motion to amend an amendment shall not be permitted.

#### **28.7 Friendly amendment**

If it appears to the Mayor / Presiding Member that an amendment is uncontroversial, it is proper for the Mayor / Presiding Member to ask if there are any objections to adopting the friendly amendment. If no objection is made, the Mayor / Presiding Member may declare the amendment adopted and the amended motion may be voted on without a separate vote to approve the amendment.

#### **28.8 Council disposition - before amendment - motion**

A motion to amend shall receive the disposition of Council before a previous amendment or the motion.

## **Article 29**

### **Motion - To Reconsider**

#### **29.1 Reconsideration - majority of council - same meeting**

Any matter decided upon by Council, may be reconsidered at the meeting by a two-thirds (2/3's) vote of Members present at that meeting.

#### **29.2 Amend something previously adopted or rescind**

A motion to reconsider any matter already disposed of by Council at a previous meeting shall require a motion to "amend something previously adopted" or a motion to "rescind", provided by notice of motion at one meeting to be dealt with by resolution at the following meeting.

#### **29.3 Member - on prevailing side - moves to reconsider**

A motion to reconsider a substantive resolution, by-law, question, or decided matter must be made by a Member who voted with the majority on the original motion or resolution. The Mayor / Presiding Member may ask the mover to confirm how the mover previously voted on the issue in question. If a Member is absent during the vote on the original motion or resolution, the Member may request that a motion be reconsidered at a subsequent meeting.

#### **29.4 Motion to reconsider adopted**

If a motion to reconsider has been adopted, it temporarily nullifies the previous decision and places the meeting back at the point prior to taking the vote on the original motion.

#### **29.5 Adoption of motion - for reconsideration**

If a motion to reconsider has been adopted at a meeting, then consideration of the original matter shall become the next order of business.

#### **29.6 Motion to reconsider - becomes main motion**

The main motion originally voted on is once again pending. Procedurally, it is considered a newly made motion.

#### **29.7 No discussion - unless reconsideration adopted**

There shall be no discussion on the question contained in the motion until the motion for reconsideration is adopted. However, the mover and seconder of a motion to reconsider may provide a brief and concise statement outlining the reasons for proposing such reconsideration.

### **29.8 Reconsideration - only once**

No motion or report shall be reconsidered more than once at any meeting. No decided matter may be reconsidered if the City has taken any steps to complete the decision, such as entering into a contract or making purchases necessary to facilitate the decision. No decided matter may be reconsidered unless the motion for reconsideration is made within one (1) year of the original decision. Where a matter has been reconsidered, no further motion to reconsider may be made on that matter.

### **29.9 Motion to reconsider at same meeting**

A motion to reconsider a decided matter may be introduced at any time when it is made at the same meeting at which the original motion was decided. A motion of reconsideration of a matter decided at the same meeting requires a majority of Members present and voting for the motion. Provisions 29.3 through 29.8 apply to a motion to reconsider at the same meeting.

## **Article 30 Motion - To Adjourn**

### **30.1 In order - exception**

A motion to adjourn shall always be in order except as otherwise provided for in this By-law.

### **30.2 Negative - until proceedings completed**

A motion to adjourn, when resolved in the negative, shall not be presented again until the conclusion of the current item.

### **30.3 Member speaking - voting prohibited**

A motion to adjourn shall not be in order when a Member is speaking or during the verification of a vote on a motion.

### **30.4 Affirmative resolution - current question - prohibited**

A motion to adjourn shall not be in order until the current question has been put and a resolution made by motion.

### **30.5 Non-debatable**

An unqualified motion to adjourn shall not be debatable or amendable.

### **30.6 Meeting - continuation - 11:00 p.m.**

No item of business other than the Confirming By-law shall be considered at a meeting of Council after the hour of 11:00 p.m. local time, unless otherwise decided by a two-thirds (2/3) vote of the Members present. The motion is not debatable.

## **Article 31 Motion to Recess**

### **31.1 Length of time - specified**

A motion to recess when other business is before the meeting shall specify the length of time of the recess and shall not be in order when a Member is speaking or during a vote.

### **31.2 Non-debatable-length of time - amendable**

A motion to recess when other business is before the meeting shall not be debatable and shall only be amendable with respect to the length of the recess.

### **31.3 Future time - treated as main motion**

A motion to recess at a future time shall have no privilege and shall be treated as a main motion. The Mayor / Presiding Member may recess or adjourn a disorderly meeting that cannot be brought to order, without the need for a vote.

## **Article 32 Resignation - Member - Vacancies**

### **32.1 Resignation - file in writing - clerk**

A Member may resign from office by notice, in writing, filed with the Clerk of The Corporation of the City of Cornwall, subject to Section 260 and 263 of the *Municipal Act*.

### **32.2 Filling - vacancy**

If a vacancy occurs in the office of a Member, Council shall, subject to section 263 of the *Municipal Act*, fill the vacancy.

### **32.3 Appointments to vacancies**

Subject to Section 263 of the *Municipal Act*, where a vacancy occurs amongst a seat of the Mayor and/or Councillor, Council at a meeting shall select the manner in which they wish to fill the vacancy.

#### **Position of Mayor**

### **32.4 Appointment to a vacancy in the position of Mayor (Sec.263 *Municipal Act*)**

- (a) fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- (b) require a by-election to be held to fill the vacancy in accordance with the *Municipal elections Act, 1996*; or
- (c) appoint amongst the current Members of Council to fill the vacancy of the Mayor's position.

#### **Position of Councillor**

### **32.5 Appoints to Vacancy – Member of Council**

- (a) fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- (b) require a by-election to be held to fill the vacancy in accordance with the *Municipal Elections Act, 1996*; or
- (c) appoint the first non-elected candidate for the position of Council Member during its last municipal election to fill the vacancy, subject to conditions in accordance to the *Municipal Election Act*.

### **32.6 Members - not attending - removal**

The office of a Member of Council of the municipality becomes vacant if the Member is absent from the meetings of council for three successive months without being authorized to do so by a resolution of Council.

The seat of a Member sitting on a committee becomes vacant if the Member is absent from the committee for which he or she is appointed for three consecutive meetings without being authorized to do so by a resolution of Council. Any Member shall provide the committee with notice of any approved leave of absence.

Notwithstanding the foregoing, an office is not vacated by a Member of Council who is absent for twenty consecutive weeks or less if the absence is as a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member in accordance with subsection 259 (1.1) of the *Municipal Act*. A resolution of Council is not required to authorize such leave of absence. The Member shall provide the City Clerk with written notice of the leave of absence for twenty consecutive weeks or less as a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member.

### **Article 33**

#### **Repeal - Enactment**

#### **33.1 By-laws - previous**

By-law 2010-093 and all adhering amendments are hereby repealed.

#### **33.2 Effective date**

This By-law shall come into effect on the date of its passing.

Read, signed and sealed in open Council this 10th day of August, 2020.

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Manon L. Levesque  
City Clerk

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Bernadette Clement  
Mayor

## Contents

<b>ARTICLE 1 SHORT TITLE .....</b>	<b>2</b>
1. Citation .....	2
<b>ARTICLE 2 INTERPRETATION .....</b>	<b>2</b>
2.1 Abstain .....	2
2.2 Abstention .....	2
2.3 Act .....	2
2.4 Acting Mayor or Acting Presiding Member .....	2
2.5 Ad Hoc Committee .....	2
2.6 Advisory Committee .....	3
2.7 Chair .....	3
2.8 Chief Administrative Officer .....	3
2.9 Clerk .....	3
2.10 Committee .....	3
2.11 Committee Chair or Chair .....	3
2.12 Committee of the Whole .....	3
2.13 Council .....	3
2.14 Debate .....	3
2.15 In-Camera Meeting .....	3
2.16 Local Board .....	4
2.17 Meeting .....	4
2.18 Member .....	4
2.19 Municipal Corporation .....	4
2.20 Point of Information .....	4
2.21 Point of Order .....	4
2.22 Question of Privilege .....	4
2.23 Position or opinion .....	5
2.24 Presiding Member .....	5
2.25 Recorded Vote .....	5
2.26 Rules of Procedure .....	5
2.28 Standing Committee .....	5
2.29 Time .....	5
<b>ARTICLE 3 GENERAL PROVISIONS .....</b>	<b>5</b>
3.1 Suspension – rules - two-thirds vote .....	5
3.2 Calculation - two-thirds vote .....	5
3.3 Parliamentary authority .....	6
3.4 Applicability to all meetings .....	6
3.5 Support to other municipalities .....	6
<b>ARTICLE 4 MEETINGS .....</b>	<b>6</b>
4.1 Inaugural - time - place - held .....	6
4.2 Declarations of oath .....	6
4.3 Regular - schedule - designated - time .....	6
4.4 Other - on holidays - by resolution .....	7
4.5 March, July, August and December - exception to meetings .....	7



4.6	Notice – public meeting .....	7
4.7	Electronic participation .....	7
4.8	Meetings .....	8
4.9	Emergency meeting - notice not required .....	9
4.10	Location - council meeting.....	9
4.11	Open - to public - council - committees - exception .....	9
4.12	Closed - to public - in-camera meeting subject matters .....	9
4.13	Electronic participation Members may not participate electronically in any Council Meeting that is closed to the public except for where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act as previously included in Article 4.7.2 (b).....	14
4.14	Orientation meeting .....	14

#### **ARTICLE 5 ROLES..... 14**

5.1	Council .....	14
5.2	Head of council .....	15
5.3	Chief Administrative Officer .....	16
5.4	Clerk .....	16
5.5	Staff – officers, employees .....	16

#### **ARTICLE 6 DUTIES..... 17**

6.1	Council .....	17
6.2	Mayor / Presiding Member .....	17
6.3	Head of council (Mayor) – acting.....	18

#### **ARTICLE 7 CONDUCT DURING MEETINGS..... 19**

7.1	Sovereign – Royal Family – to be respected .....	19
7.2	Members of council – municipal staff.....	19
7.3	Speaking – subject in debate only .....	19
7.4	Criticize – decision – exception – reconsideration .....	19
7.5	Breach – persistent – seat vacated – unless apology .....	19
7.6	Dress code – regular – televised – council meetings.....	19
7.7	Dress code – special and budget meetings .....	19
7.8	Apparel at meetings .....	20
7.9	Code of ethics confidentiality.....	20

#### **ARTICLE 8 RULES OF DEBATE..... 22**

8.1	Mayor / Presiding Member - preserve order .....	22
8.2	Address to Mayor / Presiding Member .....	22
8.3	Order of speaking - determination .....	22
8.4	Voting - Members - seated - disturbance prohibited .....	22
8.5	Speaking - passing between Mayor / Presiding Member - interruption .....	22
8.6	Speaking - motion - read upon request .....	22
8.7	Speaking - duration - time limit - 3 minutes.....	22
8.8	Question - motion under discussion - through chair.....	23
8.9	Question - integrity of staff.....	23
8.10	Mayor / Presiding Member - participation - step down - other designated.....	23

8.11	Motion - seconded - before debate .....	23
<b>ARTICLE 9 ORDER OF BUSINESS .....</b>		<b>23</b>
9.1	Agenda – content .....	23
<b>ARTICLE 10 QUORUM .....</b>		<b>24</b>
10.1	Call to order - quorum present.....	24
10.2	Quorum .....	24
10.3	Quorum - not present - time limit .....	24
10.4	Mayor / Presiding Member - absent.....	24
10.5	Mayor / Presiding Member - Acting Mayor – Acting Presiding Member - absent.....	25
10.6	Quorum - Municipal Conflict of Interest - remedy for lack of quorum .....	25
10.7	Application to judge .....	25
<b>ARTICLE 11 COMMITTEE OF THE WHOLE.....</b>		<b>25</b>
11.1	Committee of the whole - Mayor presides .....	25
11.2	Reports to be considered .....	26
11.3	Reading – by-laws.....	26
11.4	Debate - by-laws .....	26
<b>ARTICLE 12 MINUTES .....</b>		<b>26</b>
12.1	Contents - recorded - by Clerk .....	26
12.2	Included in Agenda .....	26
12.3	Adoption - without reading.....	27
12.4	In-Camera minutes - adoption .....	27
<b>ARTICLE 13 PRESENTATIONS – DELEGATIONS.....</b>		<b>27</b>
13.1	Heard - request submitted - deadline - items on agenda .....	27
13.2	Material - written - submitted for Council - deadline .....	27
13.3	Presentation defined .....	27
13.4	Delegations - time limit .....	28
13.5	Questions - to delegation .....	29
13.6	Delegations - requests for action - referred .....	29
13.7	Delegations - previously heard by - planning advisory and hearing committee .....	29
13.8	Delegation - deemed - inappropriate for council .....	29
13.9	Delegation - limit per issue .....	29
13.10	Delegation - statements - unsubstantiated .....	29
<b>ARTICLE 14 BY-LAWS.....</b>		<b>30</b>
14.1	Description - listed on agenda .....	30
14.2	Introduction - upon motion - title read .....	30
14.3	Form - typewritten - compliance - relevant act .....	30
14.4	Readings - prior to passing.....	30
14.5	Purpose - effect - explained upon request .....	30
14.6	Debate - amendment.....	30
14.7	Passed - numbered - dated - signed - seal affixed .....	30
14.8	Confirmation - conclusion - of meeting .....	31
14.9	Confirmation - introduction - voted on - without debate.....	31

<b>ARTICLE 15 CONSENT / CORRESPONDENCE.....</b>	<b>31</b>
15.1 Items - considered - for inclusion.....	31
15.2 Consent items - explanatory note - one motion .....	31
15.3 Items for discussion - routine.....	31
15.4 Petitions .....	31
15.5 Tenders.....	31
15.6 Committee Reports - PAC .....	31
15.7 Request to separate - consent item - to communication .....	32
<b>ARTICLE 16 RESOLUTIONS - NOTICES OF MOTION.....</b>	<b>32</b>
16.1 Resolutions - notices of motion - debated separately .....	32
16.2 Resolutions - consecutively numbered .....	32
16.4 Notices of motion - when required - annual budget .....	32
16.5 Notice - introduced - notice – requirements .....	32
16.6 Notice - received - by clerk - included - in agenda .....	33
16.7 Consideration - disposal - deferred - to other meeting .....	33
16.8 Seconded - by any Member - seconder not present .....	33
16.9 Notice - delivered - time .....	33
<b>ARTICLE 17 UNFINISHED BUSINESS REPORTS AND COMMUNICATION REPORTS 33</b>	
17.1 Written - legible - signed.....	33
17.2 Deadline - material submitted - to clerk .....	33
17.3 Agenda - preparation - substance .....	33
17.4 Unfinished business listing .....	34
<b>ARTICLE 18 DISCLOSURE OF PECUNIARY INTEREST.....</b>	<b>34</b>
18.1 Disclosing – Pecuniary Interest - Member responsibility.....	34
18.2 Disclosing pecuniary interest - written statement – no influencing .....	34
18.3 Member - leave meeting - in-camera.....	34
18.4 Member - absent - from meeting .....	34
18.5 Declaration - recorded - minutes .....	35
18.6 Registry.....	35
<b>ARTICLE 19 NEW BUSINESS MOTIONS .....</b>	<b>35</b>
19.1 New business - routine nature.....	35
19.2 New business - in writing - mover and seconder - filed.....	35
19.3 New business - filing time - inclusion on agenda .....	35
19.4 New Business - voted on individually .....	35
19.5 New Business - non-routine - notice of motion .....	35
19.6 New Business – introduced – regular meeting.....	36
19.6 Matters not under council jurisdiction .....	36
<b>ARTICLE 20 VOTING .....</b>	<b>36</b>
20.1 Mayor / Presiding Member need not vote .....	36
20.2 All questions - exception - disqualified.....	36
20.3 Failure to vote - deemed negative .....	36
20.4 Member abstaining from voting .....	36
20.5 Motion - simple majority - required - exception .....	36

20.6	Equal - motion deemed negative .....	37
20.7	Show of hands - exception - recorded vote .....	37
20.8	Recorded – by request – vote announced openly.....	37
20.9	Division - separate vote - each proposal.....	37
20.10	Member not in their seat - deemed absent .....	37
20.11	Mayor / Presiding Member - stating the question.....	37
20.12	Announcing - results.....	37
<b>ARTICLE 21 MOTION - TO APPEAL.....</b>		<b>38</b>
21.1	Made - at time of ruling - point of order.....	38
21.2	Decision - Mayor / Presiding Member - final .....	38
21.3	Non-debatable - amendable - reconsidered .....	38
<b>ARTICLE 22 QUESTION OF PRIVILEGE .....</b>		<b>38</b>
22.1	Integrity - Member - council - in question.....	38
22.2	Motion - to receive disposition - treated as main motion .....	38
<b>ARTICLE 23 REQUEST FOR INFORMATION.....</b>		<b>39</b>
23.1	Request information .....	39
<b>ARTICLE 24 WITHDRAWAL - MOTION .....</b>		<b>39</b>
24.1	Withdrawal of motion.....	39
24.2	Without consent of seconder .....	39
24.3	In order - anytime during debate .....	39
24.4	Objection - by Member - entertained - main motion .....	39
24.5	No objection - withdrawal - without seconder - vote.....	39
<b>ARTICLE 25 POINT OF ORDER.....</b>		<b>39</b>
25.1	Rules of procedure - breached .....	39
25.2	Language - improper - offensive.....	39
25.3	Discussion - not valid - outside proposed motion.....	40
25.4	Proceedings - other - informality - irregularity .....	40
25.5	Member - rise - ask leave of chair - point stated .....	40
25.6	Decision - announced -prior to recommencement .....	40
25.7	Address - to Mayor / Presiding Member - purpose - to appeal decision .....	40
25.8	Decision - of Mayor / Presiding Member - final - no appeal.....	40
25.9	Appeal - Member right - Mayor / Presiding Member reply - decision final .....	40
<b>ARTICLE 26 CLOSE DEBATE - PUT THE QUESTION.....</b>		<b>41</b>
26.1	Non-debatable - amendable .....	41
26.2	Resolved - affirmative - original motion put - no debate .....	41
<b>ARTICLE 27 REFER OR COMMIT.....</b>		<b>41</b>
27.1	Debatable - amendable - reconsideration - permitted .....	41
27.2	Motion - deemed - possession of Council.....	41
27.3	Motion presented - debate.....	41
27.4	Motion - outside jurisdiction - of Council .....	41
27.5	Disposition of motion .....	41

<b>ARTICLE 28 MOTION TO AMEND .....</b>	<b>42</b>
28.1. Motion to amend – basic forms .....	42
28.2. Debatable - amend - permitted.....	42
28.3. Written - when requested - by Mayor / Presiding Member .....	42
28.4. Relevant to main motion.....	42
28.5. Contrary - to main motion - not in order.....	42
28.6. Amendment.....	42
28.7. Friendly amendment.....	42
28.8. Council disposition - before amendment - motion.....	42
<b>ARTICLE 29 MOTION - TO RECONSIDER .....</b>	<b>43</b>
29.1. Reconsideration - majority of council - same meeting.....	43
29.2. Amend something previously adopted or rescind .....	43
29.3. Member - on prevailing side - moves to reconsider .....	43
29.4. Motion to reconsider adopted .....	43
29.5. Adoption of motion - for reconsideration .....	43
29.6. Motion to reconsider - becomes main motion .....	43
29.7. No discussion - unless reconsideration adopted.....	43
29.8. Reconsideration - only once.....	44
29.9. Motion to reconsider at same meeting.....	44
<b>ARTICLE 30 MOTION - TO ADJOURN .....</b>	<b>44</b>
30.1. In order - exception .....	44
30.2. Negative - until proceedings completed.....	44
30.3. Member speaking - voting prohibited.....	44
30.4. Affirmative resolution - current question - prohibited.....	44
30.5. Non-debatable.....	45
30.6. Meeting - continuation - 11:00 p.m. ....	45
<b>ARTICLE 31 MOTION TO RECESS.....</b>	<b>45</b>
31.1. Length of time - specified .....	45
31.2. Non-debatable-length of time - amendable.....	45
31.3. Future time - treated as main motion.....	45
<b>ARTICLE 32 RESIGNATION - MEMBER - VACANCIES.....</b>	<b>45</b>
32.1. Resignation - file in writing - clerk.....	45
32.2. Filling - vacancy .....	45
32.3. Appointments to vacancies.....	46
32.4. Appointment to a vacancy in the position of Mayor (Sec.263 <i>Municipal Act</i> ) ...	46
32.5. Appoints to Vacancy – Member of Council .....	46
32.6. Members - not attending - removal.....	46
<b>ARTICLE 33 REPEAL - ENACTMENT .....</b>	<b>47</b>
33.1. By-laws - previous.....	47
33.2. Effective date .....	47



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This report and all of its attachments were approved and signed as outlined below:

**Manon L. Levesque - Jul 29, 2020 - 9:17 AM**

**Geoffrey Clarke - Jul 29, 2020 - 1:33 PM**

**Maureen Adams - Aug 4, 2020 - 9:34 AM**