

# THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2020)-20490

A By-law to provide rules for governing the order and procedures of the Council of the City of Guelph, and to repeal By-law Number (2019)-20432.

## 1. Definitions

In this by-law,

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

**“Acting Mayor”** means the Councillor who is appointed, in alphabetical order by last name, to serve one month each, to act in the place and stead of the Mayor as required.

**“Ad Hoc Committee”** means a committee created by Council with a defined ending, to report directly to Council on a specific matter.

**“Advisory Committee”** means a committee created by Council, to report to the Committee of the Whole on a specific subject.

**“By-law”** means an enactment, in a form approved by Council, passed for the purpose of giving effect to decisions or proceedings of Council.

**“CAO”** means the Chief Administrative Officer of the City.

**“Chair”** means the Mayor or Acting Mayor of any meeting of Council or the chair or acting chair of any meeting of a committee.

**“City”** means The Corporation of the City of Guelph.

**“Clerk”** means the Clerk, or his or her designate.

**“Closed Meeting”** means a meeting, or part of a meeting of Council or a Committee, which is closed to the public as permitted by the Municipal Act.

**“Committee”** means Committee of the Whole, advisory committee or other committee, sub-committee or similar entity, appointed by City Council.

**“Committee of the Whole”** means a committee comprised of all Members of Council that directly reports to Council.

**“Committee of the Whole Consent Report”** means a report from Committee of the Whole outlining items approved by the committee and forwarded to Council for consideration.

**“Confirmatory By-law”** means a by-law passed at the conclusion of Council meetings, confirming the actions of Council taken at that meeting and any previous meetings which did not have a confirmatory by-law, in respect of each resolution and other actions taken, so that every decision of Council at that meeting shall have the same force and effect as if each and every one of them had been the subject-matter of a separately enacted by-law.

**“Consent Agenda”** means a listing of consent items being presented to Council and Committee of the Whole for its consideration.

**“Consent Item”** means a report that is presented for approval without debate and with no delegation or presentation.

**“Council”** means the City’s elected representatives, comprised of the Mayor and Councillors.

**“Councillor”** means a Member of Council, other than the Mayor.

**“Declared Emergency”** means any period of time during which an emergency has been declared in all or part of the City of Guelph under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act.

**“Delegate”** means any person, group of persons, firm or organization, who is neither a Member of the Committee of the Whole, Council or an appointed official of the City and who is speaking to committee or Council.

**“Deputy CAO”** means staff who report to the CAO and are responsible for multijurisdictional service areas.

**“Electronic Device”** means computers, cellphones, smartphones, personal digital assistants, smartwatches, tablets, voice recorders, cameras or any other similar device.

**“Electronic Meeting”** means a meeting called and held in full or in part via electronic means including, but not limited to, video teleconference, audio teleconference or telephone, and with or without in person attendance.

**“Items for Discussion”** means agenda material that is presented for approval which has an associated presentation or delegation(s).

**“Local Board”** means a local board of the City as defined in the Municipal Act.

**“Majority”** means, for the purpose of voting, unless otherwise specified, more than half of the Members of Council or committee present at the vote and not prohibited by statute from voting.

**“Mayor”** means the head of Council and includes the Acting Mayor when acting in place of the Mayor.

**“Meeting”** means any regular or special Council or committee meeting when a quorum is present as defined in the Municipal Act.

**“Member”** means, according to the circumstances, a Member of Council, including the Mayor, or a member of the committee including the chair.

**“Motion”** means a proposal, moved by a member and seconded by another member, for the consideration of Council or a committee.

**“Notice of Motion”** means a written notice, given by a member, advising Council that the motion described therein will be brought forward at a subsequent meeting.

**“Open Meeting”** means a meeting which is open to the public.

**“Presentation”** means information presented to Council or committee in person by an individual or group on an issue which typically does not require any action to be taken by Council or committee.

**“Quorum”** means a majority of the members.

**“Recording Device”** means any device used for the purpose of recording whether it be analogue, digital or other means of recording, including but not limited to computers, cellphones, smartphones, tablets, voice recorders, cameras or any other similar device.

**“Registered Delegate”** means an individual who has submitted a request for delegation to the Clerk within the prescribed timelines to address Council or committee in relation to a matter appearing on the agenda.

**“Resolution”** means a motion that has been carried.

**“Rules of Procedure”** means the rules and procedures set out in this by-law.

**“Regular Meeting”** means a meeting of Council or committee held at the times and dates specified in this by-law and approved by Council or committee as part of an annual calendar.

**“Special Meeting”** means a separate meeting of Council or committee held at a time different than a regular meeting as approved by Council or committee and which is focused on one or more particular and specific items or subjects.

**“Vice-chair”** means a Member of Council appointed by Council who shall have all the power and duties of a chair in their absence; and consequently the words “Vice-chair” are interchangeable with the word “chair” in all sections of this by-law.

**“Workshop”** means a meeting convened for the purpose of educating or training the members, for providing the members with information and/or advice, or to solicit input from the members.

## **2. Purpose and Principles**

### **2.1 Purpose**

- (a) Council and Committee of the Whole shall observe the Rules of Procedure contained in this by-law in all proceedings of the Council and committee. This by-law shall be used to guide the order and dispatch of business of the Council and committee and wherever possible, with the necessary modifications, for all advisory committees and ad hoc committees unless otherwise provided.
- (b) This by-law sets out processes that are open and transparent.

### **2.2 Principles**

- (a) Each member has the right to:
  - i. One vote, subject to the declaration of pecuniary interest;
  - ii. Information to help make decisions, unless otherwise prevented by law;
  - iii. An efficient meeting; and
  - iv. Be treated with respect and courtesy.
- (b) No item shall be placed on an agenda with respect to a matter which is not within the jurisdiction of Council or committee. The Mayor and/or chair, in consultation with the Clerk, will determine if a matter is within the jurisdiction of Council or committee.
- (c) In the event of conflict between the provisions of this by-law and the Act, or any other legislation, the provisions of the legislation shall prevail.

### **2.3 Suspension of Rules**

- (a) No provision of this by-law shall be suspended except by an affirmative vote of at least two-thirds of the entire Council (nine members) for each incidence of suspension of the rules.
- (b) The suspension shall only apply to the procedure(s) or rules(s) which are stated within the motion to suspend and only during the meeting in which such motion was introduced.
- (c) The following procedure(s) or rule(s) cannot be suspended:
  - i. No other business in special meetings;
  - ii. Majority of members for quorum.

## **3. Conduct at Meetings**

### **3.1 Council and Committee Members**

- (a) Council Members shall govern themselves according to Council's Code of Conduct and Council-Staff Relations Policy.
- (b) The Mayor or chair shall preserve order and rule on points of order and privilege.
- (c) Every member desiring to speak shall indicate so in order to be recognized by the Mayor or chair.
- (d) Every member, on being recognized, shall remain seated in his or her place and address themselves to the Mayor or chair.
- (e) A member called to order by the Mayor or chair shall immediately cease further comment and may appeal the call to order to the Council or committee. The Council or committee, if appealed to, shall decide on the case without debate and by way of a majority vote of the members present. If there is no appeal, the decision of the Mayor or chair shall be final.
- (f) No member shall, without leave of the Council or committee:
  - i. speak to an issue for more than five (5) minutes (cumulative);
  - ii. use offensive words or speak disrespectfully of the Mayor, Members of Council, committee, staff or the public;
  - iii. speak on any subject other than the subject under debate;
  - iv. speak in contempt of any decision of the Council or committee;
  - v. leave his or her seat or make any noise or disturbance while a vote is being taken or until the result is declared;
  - vi. disobey the rules or decisions of Council or a decision of the Mayor or chair on points of order or privilege, or upon the interpretation of the Rules of Procedure. If a member persists in such disobedience after having been called to order by the Mayor or chair, the member may be ordered by Council or committee to leave his or her seat for the meeting. In the event that a member refuses to vacate their seat, the Mayor or chair may request that the member be removed by the Clerk and/or staff as required. In case of adequate apology being made by the member they may, by way of majority vote of the members present, be permitted to take their seat.

## **3.2 Member Absent from Council**

The office of a Member of Council becomes vacant if the member has been absent from meetings of the Council for three (3) successive months without being authorized to do so by a resolution of Council unless otherwise permitted by S. 259 (1.1) of the Act.

## **3.3 Electronic Devices**

- (a) Each member shall place any electronic devices on an inaudible setting during any open or closed meeting.
- (b) No member shall use an electronic device to broadcast, record or otherwise publish or distribute audio or video of any open or closed meeting, nor photographs of any closed meeting.

## **3.4 Hearing Delegations**

- (a) Except for points of order or privilege, Members of Council shall not interrupt a delegate while he or she is addressing Council or committee.
- (b) Members may address a delegate only to ask questions of clarification and not to express opinions or enter into debate or discussion.

- (c) All registered delegates for any particular agenda item shall be heard before Council or committee enters into discussion or debate on that item.
- (d) After all delegations have been heard, the related item shall immediately be brought forward for the consideration of Council or committee.

### **3.5 Conduct of Public and Delegations**

- (a) Members of the public and delegations in attendance at a meeting, shall not:
  - i. address Council or committee without permission;
  - ii. bring food or beverage, with the exception of water, into the Council Chamber or meeting room unless so authorized;
  - iii. engage in any activity or behaviour or make any audible noise that could affect the Council or committee deliberations, including clapping, shouting, jeering or any other form of disorderly conduct; or
  - iv. bring any signs or placards into, or hand out any brochures, pamphlets, buttons or literature in the Council Chambers;
- (b) No person, except Members of Council and appointed officials of the City of Guelph, shall be permitted to come within or behind the horseshoe during a meeting of the Council or committee without the permission of Council or committee.
- (c) No person shall make detrimental comments, or speak ill of, or malign the integrity of staff, the public, Mayor, Members of Council or committee.

## **4. Rules and Procedures for Council and Committee Meetings**

### **4.1 Public Notice of Meetings**

- (a) The Clerk shall give public notice of all regular open and closed Council and committee meetings by inclusion on the City's website at least 72 hours prior to the meeting.
- (b) The Clerk may, at his or her discretion, publish notice of Council and committee meetings in a local newspaper or other local media source.
- (c) Public notice shall include:
  - i. date;
  - ii. time; and
  - iii. location of meeting.
- (d) The Clerk shall give public notice of all special open and closed meetings of Council and committee by inclusion on the City's website as soon as possible after the meeting is called and no later than 48 hours prior to the meeting.
- (e) Section 4.1 (d) shall not apply to emergency meetings called under Section 8.1 (d). The Clerk shall give public notice for emergency meetings called under Section 8.1 (d) by inclusion on the City's website as soon as possible after the meeting is called.

### **4.2 Location, Date and Time of Meetings**

Committee of the Whole, regular Council and Council Planning shall meet in the Council Chambers of City Hall, 1 Carden Street, unless with adequate public notice, as required in Section 4.1, the Council selects an alternate meeting location, date,

or time. In the event the regular meeting date falls on a public holiday, the Council or committee shall meet at the same hour on the next day not being a public holiday.

### **4.3 Consolidated Agenda**

- (a) The Clerk shall prepare a Consolidated Agenda advising Council or committee of the names of registered delegates and written submissions relating to matters on the agenda.
- (b) Items or matters will not be added to the agenda after distribution to Council or committee unless directed by the Mayor or chair, CAO and/or Deputy CAO(s) and if the urgent nature of the matter requires a decision prior to the next Council or committee meeting.

### **4.4 Quorum and Commencement of Meetings**

- (a) Unless there is a quorum present within fifteen minutes after the time appointed for the meeting of the Council or committee, the Council or committee shall stand adjourned until the next meeting date.
- (b) As soon as there is a quorum present, the Mayor or chair shall call the members to order. In the absence of the Mayor or chair, the Clerk shall call the members to order and the Council shall choose a chair from the members present and that person shall preside over the meeting or until the arrival of the Mayor or chair.

### **4.5 Disclosure of Pecuniary Interest**

Prior to a particular matter being addressed, members shall declare any pecuniary interests they may have, and the general nature thereof, in connection with that matter pursuant to the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended. Such members shall then be precluded from participating in any way regarding the matter in question.

### **4.6 Closed Meetings**

#### **4.6.1 General Principles**

- (a) Meetings shall be open to the public.
- (b) Notwithstanding Section 4.6.1(a), a meeting or part of a meeting may be closed to the public in accordance with Section 239 (2), (3) and (3.1) of the Act.
- (c) Council shall approve and maintain a closed meeting Protocol.

#### **4.6.2 Date and time of Meetings**

Further to Section 4.2:

- (a) Where possible, when a closed meeting of Council is required, it shall be held no earlier than 4:30 p.m. on the day of an existing regular Council or Council Planning meeting.
- (b) Where possible, when a closed meeting of Committee of the Whole is required, it shall be held no earlier than 12:30 p.m. on the day of an existing Committee of the Whole meeting.

#### **4.6.3 Resolution**

- (a) Prior to holding a closed meeting, Council or committee shall state by resolution in an open meeting, that Council or committee will be holding a closed meeting, the subject matter and the permitted closed meeting exemption under the Municipal Act.

#### **4.6.4 Recording of Minutes**

- (a) The Clerk and/or his or her designate shall attend all closed meetings and record the proceedings, including procedural motions and direction given to staff, without note or comment.
- (b) The Clerk may delegate the Clerk's duties with respect to recording minutes in a closed meeting of Council or committee to a staff person. For closed meetings of committee or Council where the CAO's performance or contract is addressed, the Clerk may delegate the Clerk's duties with instructions to a third party.

#### **4.6.5 Reporting in Open Session**

- (a) The Mayor or chair shall report out in an open meeting immediately following the closed meeting and summarize the actions taken in the closed meeting.
- (b) Matters discussed in a closed meeting which require a decision will be brought forward to an open meeting of Council or committee.

#### **4.6.6 Closed Meeting Voting**

- (a) In relation to a matter considered in a closed meeting pursuant to Section 4.6.1(b), Council or committee may vote:
  - i. on procedural motions;
  - ii. on motions to rise, report and introduce a proposed recommendation on an open meeting agenda; or
  - iii. to give direction to staff or a third party of the City.
- (b) Notwithstanding Section 4.11(g), votes held in closed meetings shall be by a show of hands unless a recorded vote is requested by a member in accordance with the regulations contained in the Act.

### **4.7 Presentations**

#### **4.7.1 Public Presentations**

- (a) A request from an outside organization or individual to make a presentation to Council or committee shall only appear on an agenda upon approval of the Mayor, chair and Deputy CAO for the appropriate Service Area.
- (b) Public presentations are for information only.
- (c) Public presentations at a meeting shall be limited to a maximum of 10 minutes and shall be heard at the beginning of a Council or committee meeting.
- (d) Presentations by outside organizations or individuals shall not be permitted for the sole purpose of generating publicity or promotion.
- (e) Outside organizations or individuals shall provide the Clerk with written material for inclusion on the agenda by the agenda production deadline.
- (f) Presentations by outside organizations or individuals shall not be added on the consolidated agenda.

#### **4.7.2 City Presentations**

- (a) Presentations by City staff at meetings shall endeavour to be a maximum of 10 minutes.
- (b) Presentations by staff providing information with no accompanying report shall be heard at the beginning of a regular Council or Council Planning meeting.
- (c) Presentations recognizing achievements shall be heard at the beginning of a Committee of the Whole meeting.

- (d) Where a staff or third party presentation accompanies an item on an agenda, the item shall be placed under items for discussion with the report and shall be brought forward for consideration immediately after the presentation has been made. If delegates wish to speak on an item with a presentation, the item shall not be considered until all delegates on the item have been heard.

## **4.8 Delegations**

- (a) A delegate may address Council or committee for a period of time not exceeding five minutes. Council or committee may extend the five minute time period by a majority vote of the members present. Such a motion shall be decided without debate.
- (b) For the purpose of Council and committee meeting agendas, delegates have until 10:00 a.m. on the Friday of the week prior to the meeting to notify the Clerk that they wish to delegate or to submit written submissions on items on the agenda.
- (c) Notwithstanding Section 4.8 (a), designated representatives of senior levels of government or the County of Wellington appearing before Council or committee shall have no time limitations placed on their delegation.
- (d) A delegate may only address Council or committee with respect to an item on the agenda.
- (e) Delegates shall only be permitted at Council budget meetings designated for the explicit purpose of receiving budget delegations.
- (f) No delegation shall be made to Council or committee on matters relating to litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals unless such matter is referred to Council by the said administrative tribunal or court.
- (g) No delegate shall speak on a matter that is not within the jurisdiction of the Council or committee. The Mayor and committee chairs in consultation with the Clerk will determine if a matter is within the jurisdiction of the Council or committee.
- (h) No delegations shall be made to notices of motion on a Council or committee agenda. Delegates will have an opportunity to speak at a subsequent Council or committee meeting when that item will be discussed.
- (i) No delegations shall be permitted to speak on a notice of motion to reconsider.
- (j) No delegations shall be made at workshops.
- (k) A delegate may not address Council or committee with respect to a by-law on the agenda.
- (l) Delegates shall not be permitted to appear before Council or committee for the sole purpose of generating publicity for an event.
- (m) No delegations shall be permitted to speak to presentations at Council or Committee of the Whole meetings.
- (n) No delegations shall be permitted to closed Agenda items.
- (o) A delegate shall only register themselves to speak and may not register other delegates.
- (p) If a delegate is unable to attend the meeting for which they are registered they may provide their written submission to the Clerk.
- (q) Delegates wishing to speak on a matter not on the agenda:



- i. Shall provide the Clerk in writing a request outlining the subject matter of the delegation and the action being requested to be taken by Council.
  - ii. The Clerk will advise the appropriate chair and Deputy CAO of the request.
  - iii. The Clerk will advise the requestor that the chair and Deputy CAO has been made aware of the request.
  - iv. The requestor will be advised of the actions taken or when the item is coming forward to Council or committee.
- (r) For Special Council meetings called under Section 8.1 (d), delegations may be permitted at the discretion of the Mayor or Chair in consultation with the City Clerk. If delegations are not permitted, a note to that effect will be posted on the City's website and/or included on the meeting agenda.
- (s) For delegations permitted under Section 4.8 (r), the deadline to register as a delegate and/or to submit written correspondence will be posted on the City's website and/or included on the meeting agenda

#### **4.9 Written Submissions/Petitions**

- (a) Individuals may submit written correspondence on matters listed on the agenda by the timelines specified in Section 4.8 (b) and (s) for inclusion on the agenda and consolidated agenda.
- (b) Petitions shall include a statement or position, legible names of signatories and their signatures.
- (c) Petitions shall not contain any obscene or improper matter or language.
- (d) The individual or group initiating the petition, or submitting the petition to the Clerk, must provide a key contact name, mailing address, and telephone contact information.
- (e) Names and personal information will be redacted from the information published in the agenda. Council or committee will be advised of the number of signatures only.
- (f) Electronic petitions will not be accepted.
- (g) No written submissions shall be accepted with respect to a by-law on the agenda.
- (h) Written submissions for Council budget meetings shall only be accepted for those budget meetings designated for receiving written submissions.

#### **4.10 Motions and Order of Voting**

- (a) After a motion has been moved and seconded, it shall be deemed to be in the possession of Council or committee. Council or committee may consent to the withdrawal of the motion at any time before amendment or decision.
- (b) Council or committee shall not debate any motion until it has been moved and seconded. When a motion has been seconded, it may upon request, be read or stated by the Mayor, chair or Clerk at any time during the debate.
- (c) When a Councillor moves a motion or an amendment to a motion that is not included as part of the agenda package, that Councillor shall provide a copy of the motion to the Mayor or chair prior to the vote being taken.
- (d) Whenever the Mayor or chair is of the opinion that an amending motion is contrary to the main motion, the Mayor or chair shall apprise the members thereof immediately. A Member of Council or committee may appeal the ruling of the Mayor or chair to Council or committee. If there is no appeal, the

decision of the Mayor or chair shall be final. The Council or committee, if appealed to, shall vote on the motion without debate and its decision shall be final.

- (e) A motion in respect of a matter which is not within the jurisdiction of the Council or committee shall not be in order. The Mayor or chair in consultation with the Clerk will determine if the matter is within the jurisdiction of Council or committee.
- (f) When a motion is under consideration no other motion shall be received unless it is a motion:
  - i. to refer the motion to committee, Council, staff or any other person or body. Such a motion to refer:
    - a. is open to debate;
    - b. is amendable; and
    - c. shall preclude amendment or debate of the preceding motion.
  - ii. to amend the motion. Such a motion to amend:
    - a. is open to debate;
    - b. shall not propose a direct negative to the main motion;
    - c. shall be relevant to the main motion;
    - d. is subject to only one further amendment, and any amendment more than one must be to the main motion; and
    - e. if more than one, shall be put in the reverse order to that in which they were moved, and shall be decided or withdrawn before the main motion is put to the vote.
  - iii. to defer the motion to another time. Such a motion to defer:
    - a. is not open to debate;
    - b. is not subject to amendment; and
    - c. applies to the main motion and any amendments thereto under debate at the time the motion to defer is made.
  - iv. to adjourn the meeting notwithstanding Section 4.13(d). Such a motion to adjourn:
    - a. is not open to debate;
    - b. is not subject to amendment; and
    - c. shall always be in order.
  - v. to call a vote on the motion. Such a motion to call a vote on the motion:
    - a. cannot be amended;
    - b. cannot be proposed when there is an amendment under consideration;
    - c. when resolved in the affirmative, shall be forwarded by voting on the motion, without debate or amendment;
    - d. when resolved in the negative, shall be followed by resumption of debate; and

- e. shall always be in order.
- (g) Once all motions relating to the main motion have been dealt with, and once the main motion is put, there shall be no further discussion or debate and the motion shall be immediately voted on.
- (h) A motion may be voted against by the mover and seconder.

#### **4.11 Voting at Open Meetings**

- (a) When one or more motions as set out in Section 4.10 have been made, the order of the vote shall be as follows:
  - i. to defer the motion;
  - ii. to refer the motion;
  - iii. upon the amendments in the reverse order to that in which they were moved, dealing with an amendment to an amendment immediately before the amendment it proposes to amend; and
  - iv. then, upon the main motion or upon the main motion as amended, if any amendments have been carried.
- (b) Except as otherwise provided, every Member of Council or committee shall have one vote.
- (c) Any motion on which there is a tie vote shall be deemed to be defeated, except where otherwise provided by any act.
- (d) A failure to vote by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.
- (e) When the motion under consideration contains distinct clauses, and a member has requested to vote on each distinct clause, then a vote shall be taken separately on each clause; including each clause added by way of an amendment.
- (f) After a vote has been called by the Mayor or chair, no member shall be recognized to speak to the motion or make any other motion after the result of the vote has been declared.
- (g) Members shall distinguish their vote by voting either in favour or opposed using an electronic voting system. Should Council or committee meet in a location where there is no electronic voting system, or should the electronic voting system be inoperable, each member must distinguish their vote by a show of hands.
- (h) Unless otherwise requested by a member, no recorded vote is required for the following privileged and incidental motions:
  - i. Adjournment;
  - ii. Recess; and/or
  - iii. Moving out of a closed meeting.
- (i) The Mayor or chair shall vote on any motion while in possession of the chair, however, if the Mayor or chair wishes to propose a motion he or she shall step down and shall not resume the chair until the vote is taken.

#### **4.12 Points of Order or Privilege**

##### **4.12.1 Point of Order**

- (a) A member may raise a point of order at any time, whereupon the Mayor or chair shall:

- i. interrupt the matter under consideration;
  - ii. ask the member raising the point of order to state the substance of and the basis for the point of order; and
  - iii. rule on the point of order immediately without debate by Council or committee.
- (b) A Member of Council or committee may appeal the ruling of the Mayor or chair to Council or committee which will then decide on the appeal, without debate, by way of a majority vote of the members present. If there is no appeal, the decision of the Mayor or chair shall be final.

#### **4.12.2 Point of Privilege**

- (a) A member may raise a point of privilege at any time if he or she considers that their integrity, the integrity of Council or the committee as a Whole or staff has been impugned, whereupon the Mayor or chair shall:
  - i. interrupt the matter under consideration;
  - ii. ask the member raising the point of privilege to state the substance of and the basis for the point of privilege; and
  - iii. rule on the point of privilege immediately without debate by Council or committee.
- (b) A Member of Council or committee may appeal the ruling of the Mayor or chair to Council or committee.
- (c) If there is no appeal, the decision of the Mayor or chair shall be final. The Council or committee, if appealed to, shall vote on the motion without debate by way of a majority vote of the members present and its decision shall be final.
- (d) Where the Mayor or chair considers that the integrity of any city employee has been impugned or questioned, the Mayor or chair may permit staff to make a statement to Council or committee.

#### **4.13 Adjournment of Council and Special Council Meetings**

- (a) Council shall adjourn at 11:00 p.m. unless otherwise decided before that hour by a majority vote of the members present. If Council is adjourned before the agenda is completed, Council shall establish a time and date for consideration of the balance of the agenda.
- (b) Only one motion to extend the automatic adjournment beyond 11:00 p.m. shall be permitted per meeting, and the maximum allowable extension shall be to 11:59 p.m.
- (c) A motion to adjourn may be made by any member who has been recognized by the Mayor or chair. The motion must be moved and seconded. A motion to adjourn shall not be made during a vote on any other motion.
- (d) Notwithstanding Section 4.13(a), if a motion to extend the automatic adjournment time is required prior to the hearing of all delegates on a matter being considered at the time such motion to adjourn is made, Council shall not adjourn the meeting until all listed delegates on the matter have been heard. Once the listed delegates have been heard, Council shall deal with the matter being considered at the time the motion to adjourn was made, as well as any other time sensitive issues on the agenda identified by the Clerk.

#### **4.14 Adjournment of Committee of the Whole Meetings**

- (a) The Committee of the Whole shall adjourn at 8:00 p.m. unless otherwise decided before that hour by a majority vote of the members present. If the

Committee of the Whole meeting is adjourned before the agenda is completed, the committee shall establish a time and date for consideration of the balance of the agenda.

- (b) Only one motion to extend the automatic adjournment beyond 8:00 p.m. shall be permitted per meeting, and the maximum allowable extension shall be to 9:00 p.m.
- (c) A motion to adjourn may be made by any member who has been recognized by the chair. The motion must be moved and seconded. A motion to adjourn shall not be made during a vote on any other motion.
- (d) Notwithstanding Section 4.14(a), if a motion to extend the automatic adjournment time is required prior to the hearing of all delegates on a matter being considered at the time such motion to adjourn is made, Committee of the Whole shall not adjourn the meeting until all listed delegates on the matter have been heard. Once the listed delegates have been heard, the committee shall deal with the matter being considered at the time the motion to adjourn was made, as well as any other time sensitive issues on the agenda identified by the Clerk.

## **5. Regular Meetings of Council**

The rules and procedures contained in Sections 3 and 4 shall apply with necessary changes.

### **5.1 Location, Date and Time of Meetings**

Notwithstanding Section 4.2:

#### **5.1.1 Time of Regular Meetings**

Regular Council meetings shall be held at 6:30 p.m.

#### **5.1.2 Closed Council Meetings**

When a closed meeting of Council is required, where possible, it shall be held no earlier than 4:30 p.m. on the day of an existing regular Council meeting.

### **5.2 Order of Business**

The Clerk, in consultation with the Mayor and staff, shall have discretion to prepare for the use of members, an agenda containing the following:

- Call to Order
- Singing of O Canada
- Silent Reflection
- First Nations Acknowledgement
- Closed Meeting Summary
- Disclosure of Pecuniary Interest and General Nature Thereof
- Confirmation of Minutes
- Presentations
- Consent Agenda
- Items for Discussion
- Special Resolutions
- By-laws
- Announcements
- Notice of Motions
- Adjournment

### **5.3 Closed Meeting Summary**

Following a closed meeting of Council or committee, the Mayor or chair shall disclose, in a general manner, how the agenda items were dealt with in the closed meeting.

## **5.4 Confirmation of Council and Committee of the Whole Minutes**

- (a) The Clerk shall present the minutes, without note or comment, of any previous open and closed Council or committee meetings to Council for adoption.
- (b) When the minutes of Committee of the Whole, or any Council meeting, have been adopted, the Mayor and Clerk shall sign them.

## **5.5 Committee of the Whole Consent Report**

- (a) The report from Committee of the Whole to Council, for items which do not have presentations or delegations, shall be submitted to Council in the form of a consent report, and shall be dealt with by Council as follows:
  - i. The Committee of the Whole consent report shall be presented by the respective chair or, in his or her absence, by the vice-chair who shall move the adoption of their report.
  - ii. Council Members shall identify any items contained on the Committee of the Whole consent report which they wish to speak to and the matter shall be extracted from the consent report to be dealt with separately under items for discussion.
  - iii. The balance of items on the Committee of the Whole consent report, which have not been extracted, shall be voted on in one motion.
- (b) In the event that Council adopts a motion to be referred back to staff, staff shall report back to a regular Council meeting and not back to a Committee of the Whole meeting.
- (c) Reports from local boards and advisory committees submitted in writing shall be signed by the chair or secretary. When such reports are requesting Council action, they shall include appropriate resolutions for consideration.

## **5.6 Council Consent Agenda**

- (a) The Council consent agenda shall consist of the following items that do not have presentations or delegations:
  - i. reports from staff;
  - ii. correspondence for the direction of Council, which may include:
    - correspondence for which a policy decision or approval of Council is required;
    - correspondence accompanied by a recommendation from staff; and
  - iii. items of a timely nature.
- (b) Council Members shall identify any items contained on the consent agenda which they wish to speak to and the matter shall be extracted from the consent agenda to be dealt with separately under items for discussion.
- (c) The balance of items on the consent agenda, which have not been extracted, shall be voted on in one motion.

## **5.7 Items for Discussion**

- (a) Items for discussion shall consist of the following items that have presentations and/or delegations:
  - i. Reports from staff;
  - ii. Correspondence for the direction of Council; and
  - iii. Correspondence extracted from the weekly Items for Information.

- (b) In the event that Council adopts a motion to be referred back to staff, staff shall report back to a regular Council meeting and not back to a Committee of the Whole meeting.

## **5.8 Reconsideration of a Council Decision**

- (a) Council may reconsider an entire resolution that was decided during any term of Council. A reconsideration of a portion of a resolution shall not be permitted. Such reconsideration can either amend the previous decision or rescind it.
  - i. No resolution shall be reconsidered more than once during the term of Council.
  - ii. A motion to reconsider shall not be reconsidered.
- (b) A resolution that was decided by Council cannot be reconsidered if action has been taken in implementing the resolution resulting in legally binding commitments that are in place on the date the motion to reconsider is considered by Council.
- (c) If Council passes a resolution and adopts the same matter by by-law, only the resolution may be reconsidered. If the decision resulting from the reconsideration warrants, the by-law will be amended or repealed accordingly.
- (d) A motion to reconsider shall be introduced by way of a notice of motion to Council and considered as a special resolution at a subsequent regular meeting of Council pursuant to Sections 5.11 and 5.12.
  - i. No delegations shall be permitted to speak on a notice of motion to reconsider.
- (e) Only a Member of Council who voted with the majority in respect of a previous decision or who was absent from the vote or was not a Member of Council at the time may move or second a motion for reconsideration.
- (f) A motion to reconsider must be carried in the affirmative by a vote of two-thirds of the entire Council.
- (g) If a motion to reconsider is decided in the affirmative:
  - i. the reconsideration effectively returns Council to just prior to the original Council decision.
  - ii. reconsideration of the original motion shall then be the next order of business unless the motion specifies a future date.
- (h) A notice of reconsideration received from the Local Planning Appeals Tribunal shall not be deemed a reconsideration of a Council decision.

## **5.9 By-laws**

- (a) The Clerk shall submit to Council a summary of all by-laws proposed for adoption that includes the by-law numbers and titles.
- (b) A complete copy of every proposed by-law shall be brought to the Council meeting and be available to any person interested in reviewing.
- (c) Unless otherwise requested, all by-laws proposed for adoption shall be passed in one single motion.
- (d) The Clerk shall be responsible for their correctness should they be amended at a Council meeting.
- (e) Every by-law passed by Council shall:
  - i. be signed by the Mayor, or the presiding officer;

- ii. be signed by the Clerk or designate;
- iii. be sealed with the City seal; and
- iv. indicate the date of passage.

(f) Council shall enact a by-law to confirm all actions taken by Council.

### **5.10 Announcements**

Council meeting announcements shall be provided to the Mayor in writing prior to the Council meeting, and the Mayor shall read the announcements at the end of the Council meeting.

### **5.11 Notices of Motion**

- (a) Prior to initiating the notice of motion process, a member shall first submit the proposed motion in writing to the Deputy CAO and relevant Committee of the Whole Service Area chair for approval to place the matter on a Committee of the Whole agenda. If approved, the motion shall be submitted in writing to the Clerk prior to the regular agenda deadline for inclusion on a committee meeting agenda.
- (b) If the matter is not placed on a Committee of the Whole agenda by the relevant Service Area chair and Deputy CAO, at a regular Council, Council Planning or Committee of the Whole meeting, a member shall give notice that he or she intends to introduce a motion at a subsequent regular meeting of Council to initiate any measure within the jurisdiction of Council.
- (c) The notice of motion shall be submitted in writing, on the prescribed form, to the Clerk prior to the regular agenda deadline for inclusion on any regular Council, Council Planning or committee meeting agenda.
- (d) The motion may not be submitted as part of a consolidated agenda.
- (e) A motion for which notice has been given, other than one to reconsider or rescind a prior decision of Council, shall be in the form of a referral to the Committee of the Whole or, if no future Committee of the Whole meeting has been scheduled, to regular Council.
- (f) The motion for which notice has been given, shall be included as a special resolution on an agenda of a regular Council meeting.
- (g) If a motion is introduced and not brought forward in the next two (2) subsequent regular Council meetings, the motion expires.
- (h) No delegations shall be permitted to speak on a notice of motion.

### **5.12 Special Resolutions Arising from Notice of Motion**

- (a) Motions for which notice has been given shall be listed on the next regular Council agenda, unless the member introducing the motion has specified another regular Council meeting date as per Section 5.11(a), under the special resolutions section of the agenda. Special resolutions for which previous notice has been given shall not be placed on a consolidated agenda.
- (b) In introducing a special resolution to Council, a member shall be permitted the opportunity of providing material and information in support of the resolution.

### **5.13 Special Resolutions Arising from Closed Meeting**

- (a) Where Council has passed a procedural resolution at a closed meeting to report out at a meeting, such resolution shall be introduced under the special resolution or closed meeting Summary heading of the agenda pursuant to Section 4.6.7 (a) (ii).
- (b) Council or staff may provide contextual information prior to Council's consideration of the special resolution.



## **6. Council Planning Meetings**

The rules and procedures contained in Sections 3, 4 and 5 shall apply with necessary changes.

Council Planning shall consider matters where a public meeting is required to hear applications under the Planning Act.

### **6.1 Public Notice of Meetings**

Notwithstanding Section 4.1, staff shall give legislated notice of items on any agenda in accordance with the applicable legislation.

### **6.2 Location, Date and Time of Meetings**

Notwithstanding Section 4.2:

#### **6.2.1 Time of Meetings**

Council Planning meetings shall be held at 6:30 p.m.

#### **6.2.3 Closed Council Meetings**

When a closed meeting of Council is required, where possible, it shall be held no earlier than 4:30 p.m. on the day of an existing Council Planning meeting.

### **6.3 Order of Business**

The Clerk, in consultation with the Mayor and staff, shall have discretion to prepare for the use of members, an agenda containing the following:

- Call to Order
- Singing of O Canada
- Silent Reflection
- First Nations Acknowledgement
- Closed Meeting Summary
- Presentations
- Disclosure of Pecuniary Interest and General Nature Thereof
- Setting of the Consent Agenda
- Public Meetings Pursuant to The Planning Act
- Items for Discussion
- Special Resolutions
- By-laws
- Announcements
- Notice of motions
- Adjournment

### **6.4 Delegations**

- (a) Notwithstanding Section 4.8 (a), the time limitation for delegations speaking at a public meeting to hear applications under the Planning Act, shall not exceed ten minutes. Council may extend the ten minute time period by a majority vote of the Council Members present without debate.
- (b) Council may ask questions of staff after a staff presentation and prior to delegates addressing Council.
- (c) Once all registered delegates have spoken, the Mayor or chair shall ask if anyone present wishes to speak. Such individuals shall be permitted to speak without advance notice pursuant the Planning Act and as per Section 6.4 (a).

### **6.5 Council Planning Consent Agenda**

The rules and procedures contained in Section 5.6 shall apply to the Council Planning consent agenda.

## **7. Committee of the Whole Meetings**

Notwithstanding Section 4.2, the rules and procedures contained in Sections 3, 4 and 5 shall apply with necessary changes.

### **7.1 Location, Date and Time of Meetings**

#### **7.1.1 Time of Meetings**

Committee of the Whole meetings shall be held at 2:00 p.m.

#### **7.1.2 Closed Meetings**

When a closed meeting of committee is required, it shall be held no earlier than 12:30 p.m. on the day of an existing scheduled Committee of the Whole meeting.

### **7.2 Chairing**

- (a) Chairs will chair the portion of the committee meeting where business is forwarded from their respective Service Areas or portfolios.
- (b) Chairs will assume the head of council seat when chairing their portion of the meeting.

### **7.3 Service Area Reporting**

Service Areas will report to committee on their designated month.

### **7.4 Order of Business**

The Clerk, in consultation with the chairs, Mayor and staff, shall have discretion to prepare for the use of members, an agenda containing the following:

- Closed Meeting Summary
- Disclosure of Pecuniary Interest and General Nature Thereof
- Presentations
- Consent Agenda (rotating based on Service Area reporting)
- Items for Discussion (rotating based on Service Area reporting)
- Chairs and Staff Announcements
- Notice of motions
- Adjournment

### **7.5 Committee of the Whole Consent Agenda**

- (a) Committee of the Whole shall use a consent agenda which shall consist of items that do not have presentations or delegations.
- (b) A Member of Council may request that a matter appearing on the Weekly Information Items to Council be listed on the appropriate Committee of the Whole consent agenda for discussion or consideration.
- (c) Reports from local boards and advisory committees submitted in writing shall be signed by the chair or secretary. When such reports are requesting Council action, they shall include appropriate motions for consideration.
- (d) Those matters which are time sensitive may be included on the consent agenda as approved by the CAO and appropriate Deputy CAO.
- (e) Council Members shall identify any items contained on the Committee of the Whole consent agenda which they wish to speak to and the matter shall be extracted from the consent agenda to be dealt with separately under items for discussion.
- (f) The balance of items on the Committee of the Whole consent agenda, which have not been extracted, shall be voted on in one motion.

## **7.6 Announcements**

Service Area updates may be made by the Mayor, chair, CAO, Deputy CAO's or their designates. Service Area announcements provided to the chairs prior to the meeting shall be read by the chair at the end of the relevant Service Area portion of the meeting.

## **8. Special Council Meetings**

The rules and procedures contained in Sections 4 and 5 shall apply with necessary changes.

### **8.1 Calling of Special Council Meetings**

- (a) The Mayor may at any time summon a special meeting of Council within 48 hours. The Mayor shall also summon a special meeting of Council when so requested in writing by a majority of Members of Council.
- (b) Upon receipt of a written petition of the majority of the Members of Council, the Clerk shall summon a special meeting for the purpose mentioned in the petition.
- (c) Upon the calling of a special meeting the Clerk shall give notice to all members, not less than 48 hours prior to the time fixed for the meeting of the:
  - time;
  - place; and
  - business to be considered.
- (d) On emergency or extraordinary occasions, the Mayor may call a special Council meeting without the notice provided in Section 8.1 (a).
- (e) Only items disclosed on the meeting agenda may be considered by Council. Items will not be added to the special meeting on a consolidated agenda.

### **8.2 Workshops**

#### **8.2.1 Location, Date and Time of Meeting**

Council workshops shall be held no earlier than 6 p.m.

#### **8.2.2 Delegations**

Delegations will not be heard at Council workshops.

### **8.3 Electronic Meetings during a Declared Emergency**

- (a) Where an emergency has been declared in all or part of the City of Guelph under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act:
  - i. any member of City Council may participate in any open or closed City Council, Special Council or Committee meeting electronically and be counted for the purpose of establishing quorum;
  - ii. all votes shall be by show of hands or by verbal consent (yes or no);
  - iii. City Council shall have the discretion to consider any items previously considered by any committee of City Council, but not yet confirmed by City Council at the time the emergency was declared, as part of an emergency meeting called under Section 8.1 (d);
  - iv. in accordance with Section 4.5 and pursuant to the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended, members who have

declared a pecuniary interest regarding a matter being discussed shall leave the electronic meeting and not participate in any way with respect to the matter in question; and

- v. Delegations may participate in an electronic meeting via telephone, videoconferencing software and/or other technology methods deemed appropriate by the City Clerk's Office, and in accordance with the rules set out in Section 4.8.

## **9. Inaugural Council Meeting**

- (a) The first meeting of Council following a regular election shall be held on the first Monday in December at 6:30 p.m. in the Council Chambers of City Hall or at such alternate location as determined by the Clerk.
- (b) At the inaugural meeting, each member present shall make his or her declaration of office and sign Council's Code of Conduct. The Clerk may provide additional policies or procedures to Council as appropriate. Council shall not proceed with any regular business at this meeting.

## **10. Council Meeting as Shareholder**

- (a) Council meets as the shareholder of the following Corporations:
  - i. Guelph Municipal Holdings Incorporated; and
  - ii. Guelph Junction Railway Company
- (b) Shareholder meetings shall be held as special meetings on separate dates, unless otherwise directed by the Mayor and/or CAO.

## **11. Committees**

### **11.1 Appointments to Committees**

- (a) Council shall appoint chairs for Committee of the Whole. Council shall consider rotating the chairs' position every two years. In appointing the chairs, consideration shall be given to workload balance, individual interests and Councillor development.
- (b) Council shall appoint vice-chairs for Committee of the Whole. Council shall consider rotating the vice-chairs' every two years. In appointing a vice-chair, consideration shall be given to workload balance, individual interests and Councillor development.
- (c) Council shall make public and member appointments to agencies, boards, committees and commissions at regular Council meetings.

### **11.2 Committees Reporting Directly to Council**

The following committees are appointed by and report directly to Council:

- (a) Ad Hoc Standing committee
  - i. Emergency Governance
- (b) Quasi-judicial committees
  - i. Business Licence Appeals Committee
- (c) Committee of Management for The Elliott
- (d) Chief Administrative Officer Recruitment, Selection and Performance Sub-committee

### **11.3 Committee Composition**

The Mayor is ex-officio on all committees and:

- i. may attend meetings;
- ii. attendance does not count towards quorum; and
- iii. may participate in meetings.

### **11.3.1 Emergency Governance Committee**

The Emergency Governance Committee shall be comprised of a minimum of four (4) and a maximum of six (6) Members of Council and quorum shall be four (4) members.

### **11.3.2 Committee of Management for The Elliott**

The Committee of Management for The Elliott shall be composed of all Members of Council.

### **11.3.3 Business Licence Appeals Committee**

The Business Licence Appeals Committee shall be composed of five (5) Members of Council appointed for the term of Council to hear appeals under the Business Licence By-law.

### **11.3.4 Chief Administrative Officer Recruitment, Selection and Performance Sub-committee**

The Chief Administrative Officer Recruitment, Selection and Performance Sub-committee shall be composed of the Committee of the Whole service area chairs for Corporate Services, Public Services, Infrastructure, Development and Enterprise Services, Audit and Governance.

## **11.4 Ad Hoc Committees and Advisory Committees**

### **11.4.1 Ad Hoc Committees**

- (a) Council may appoint ad hoc committees, with a defined ending, to consider a specific matter and report to Council.
- (b) Only the members of an ad hoc committee shall participate in debate or ask questions at ad hoc committee meetings.

### **11.4.2 Advisory Committees**

- (a) Advisory committees are created by Council with no defined ending, to report through the appropriate Service Area on a specific subject matter.
- (b) No Members of Council shall be appointed to advisory committees.
- (c) The appointment of a member of the public to an Advisory committee may be forfeited if the member is absent from meetings of the committee for three (3) consecutive months without being authorized to do so by a resolution of the committee.

## **12. Report Deadlines and Weekly Information Items**

### **12.1 Report Deadlines**

Reports, presentations and other agenda materials are due to the Clerk's office on the dates and times set out in the Council and Committee Report Deadlines schedule prepared following the adoption of the Council and committee meeting dates.

### **12.2 Weekly Information Items**

- (a) Weekly Information Items shall consist of the following items:

- i. Reports from staff for information;
  - ii. Correspondence received that may be of interest to Members of Council;
  - iii. Boards' & committees' minutes and information;
  - iv. Intergovernmental Consultations; and
  - v. Items available in the Clerk's office.
- (b) Weekly Information Items will be published and distributed weekly on Fridays.
- (c) Members of Council may request an item from the Weekly Information Items be placed on the appropriate Committee of the Whole or Council agenda for discussion.

## **13. General Rules**

### **13.1 Robert's Rules of Order**

In relation to the proceedings of Council and committees and for which Rules of Procedure have not been provided in this by-law, Roberts Rules of Order 11<sup>th</sup> Edition shall be referenced where practicable.

### **13.2 Other General Information**

**13.2.1** This by-law comes into force on September 23, 2019.

**13.2.2** The short title of this by-law is the Procedural By-law.

**13.2.3** Appendix 1, the "Motions Table", forms part of this by-law and shall be used as a reference.

## **14. Procedural By-laws for Other Boards, Committees or Commissions**

Where a board, committee or commission of the City has not adopted a procedural by-law, such board, committee or commission shall be deemed to have adopted this procedural by-law with necessary modifications including the requirement that all meetings be open to the public, subject to the same exceptions applicable to Council meetings as set out herein.

## **15. Repeal of Previous By-law**

By-law Number (2019)-20432 is hereby repealed.

**PASSED this SIXTEENTH day of APRIL, 2020.**

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**Cam Guthrie – Mayor**

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**Stephen O'Brien – City Clerk**

**Appendix 1 - Motions Table**

<b>Motion</b>	<b>Debatable</b>	<b>Non-debatable</b>	<b>Amendable</b>	<b>Non-amendable</b>	<b>Special Majority</b>
adjourn		X		X	
point of privilege		X		X	Chair Rules*
point of order		X		X	Chair Rules*
call a vote on the motion		X		X	
motion to amend	X		X		
defer		X		X	
refer	X		X		
extend Council meeting beyond 11:00 p.m.	X			X	Majority of the members present
extend Committee of the Whole meeting beyond 8:00 p.m.	X			X	Majority of the members present
reconsideration	X			X	2/3 of entire Members of Council (9)
appeal the chair's ruling		X		X	
suspend the Rules of Procedure		X		X	2/3 of entire Members of Council (9)
extend delegation speaking time beyond five or ten minutes, whichever is applicable		X		X	

\*A point of order/privilege is ruled on by the Mayor/chair. Any member may appeal the chair's ruling which must then be decided by a majority vote of the members present without debate.