

## THE REGIONAL MUNICIPALITY OF NIAGARA

---

# Procedural By-law

---

### By-law No. 120-2010

<b>Amendments</b>	<b>Date</b>
By-law No. 49-2011	April 14, 2011
By-law No. 124-2011	December 8, 2011
By-law No. 11-2012	February 9, 2012
By-law No. 38-2012	May 3, 2012
By-law No. 06-2013 (now repealed)	January 18, 2013
By-law No. 109-2013	October 10, 2013
By-law No. 130-2013	November 21, 2013
By-law No. 133-2013	December 12, 2013
By-law No. 01-2014	January 16, 2014
By-law No. 46-2014	April 10, 2014
By-law No. 58-2014	June 19, 2014
By-law No. 94-2014	November 6, 2014
By-law No. 55-2015	May 21, 2015
By-law No. 65-2015	July 2, 2015
By-law No. 2018-31	March 22, 2018
By-law No. 2018-80	November 1, 2018
By-law No. 2019-03	January 17, 2019
By-law No. 2019-16	February 28, 2019

**February 28, 2019**

A By-Law to Govern the Calling, Place and Proceedings of The Meetings of Council and its Committees *as amended by By-law No. 49-2011; By-law No. 124-2011; By-law No. 11-2012; By-law No. 38-2012; By-law No. 06-2013 (now repealed); By-law No. 109-2013; By-law No. 130-2013; By-law No. 133-2013; By-law No. 01-2014; By-law No. 46-2014; By-law No. 58-2014; By-law No. 94-2014; By-law No. 55-2015; By-law No. 65-2015; By-law No. 2018-31; By-law No. 2018-80; By-law No. 2019-03, and; By-law No. 2019-16.*

## TABLE OF CONTENTS

SECTION	PAGE
1. INTERPRETATION .....	4
2. GENERAL .....	7
3. ROLE OF COUNCIL.....	8
4. ROLE OF THE CHAIR .....	8
5. REGULAR MEETINGS OF COUNCIL AND COMMITTEE OF THE WHOLE ....	10
6. SPECIAL MEETINGS.....	11
7. EMERGENCY MEETINGS.....	12
8. QUORUM .....	12
9. PUBLIC ACCESS TO MEETINGS .....	13
10. PUBLIC NOTICE OF MEETINGS .....	16
11. COUNCIL AGENDA .....	16
12. DISCLOSURE OF PECUNIARY INTEREST.....	18
13. DELEGATIONS AND PRESENTATIONS .....	19
14. MINUTES OF MEETINGS.....	21
15. CODE OF CONDUCT .....	22
16. RULES OF DEBATE .....	22
17. POINTS OF PRIVILEGE AND ORDER.....	23
18. NOTICES OF MOTION .....	23
19. MOTIONS.....	24
20. VOTING PROCEDURES.....	30
21. ENACTMENT OF BY-LAWS .....	31
22. COMMITTEES.....	31
23. TEMPORARY VACANCIES.....	36
24. POST-ELECTION PROCEDURE.....	36
25. SHORT TITLE .....	38
26. REPEAL .....	38
27. EFFECT .....	38

## APPENDICES

APPENDIX “A”	CODE OF CONDUCT FOR MEMBERS OF COUNCIL.....	<a href="#">40</a>
APPENDIX “B”	MOTIONS TABLE.....	<a href="#">44</a>
APPENDIX “C”	COUNCIL / COMMITTEE DIFFERENCES.....	<a href="#">45</a>

## THE REGIONAL MUNICIPALITY OF NIAGARA

### PROCEDURAL BY-LAW

#### BY-LAW NO. 120-2010

A By-Law To Govern  
The Calling, Place And Proceedings  
Of The Meetings Of Council And Its  
Committees

*As Amended By By-law No. 49-2011; By-law No. 124-2011; By-law No. 11-2012; By-law No. 38-2012; By-law No. 06-2013 (now repealed); By-law No. 109-2013; By-law No. 130-2013; By-law No. 133-2013; By-law No. 01-2014; By-law No. 46-2014; By-law No. 58-2014; By-law No. 94-2014; By-law No. 55, 2015; By-law No. 65-2015; By-law No. 2018-31, and; By-law No. 2018-80.*

---

**WHEREAS** subsection 238(2) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

**NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF NIAGARA HEREBY ENACTS AS FOLLOWS:**

#### 1. INTERPRETATION

##### 1.1 Definitions

For the purposes of this By-law:

- (a) “Act” means the Municipal Act, 2001, S.O. 2001, c.25, as amended from time to time;
- (b) “Acting Chair” means the Member appointed by by-law to act in the place and stead of the Chair;
- (c) “Acting Committee Chair/Co-Chair” means the Member appointed by the members of the Committee to act as Chair/Co-Chair of the Committee in the place and stead of the Committee Chair/Co-Chair;
- (d) “Ad Hoc Committee” means an Advisory Committee of specified duration, established by Council to undertake the review of a special issue or short term project. Such a Committee shall be governed by clear terms of reference including a clause indicating when the Committee will cease to exist;

- (e) “Advisory Committee” means any board, commission or committee established by Council, other than a Standing Committee, which has at least one (1) Member appointed from Council. The member(s) appointed by Council may be Member(s), staff of the Region, and/or member(s) of the public;
- (f) “Area Municipality” means any one of the municipalities of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and the Township of West Lincoln;
- (g) “Chair” means the head of Council;
- (h) “Clerk” means the Clerk of the Region appointed under the Act and shall include a "Deputy Clerk" and any other employee of the Region to whom the Clerk has delegated any of the Clerk's powers and duties under the Act, to the extent that they are authorized to perform any of the duties of the Clerk under this By-law;
- (i) “Closed Session” means a Meeting or a part of a Meeting of Council, a Committee or Committee of the Whole, which is not open to the public in accordance with the Act;
- (j) “Committee” means any Standing, Ad Hoc, **Steering** or Advisory Committee, Sub-Committee or board and any other similar group composed of individuals appointed by Council, or similar entity established by Council and composed of Members;
- (k) “Committee Chair/Co-Chair” means the chair or co-chair of a Committee;
- (l) “Committee of the Whole” means a Standing Committee composed of all the members of Council;
- (m) “Committee Vice-Chair” means the vice-chair of a Committee;
- (n) “Council” means the Council of the Region;
- (o) “Councillor” means a person elected or appointed as a member of Council;
- (p) “Majority” means more than half of the votes cast by the Members who are present and eligible to vote;

*As Amended  
December 8, 2011  
By-law No. 124-2011*

- (q) “Meeting” means any regular, special, committee or other meeting of Council;
- (r) “Member” means a member of Council, including the Chair;
- (s) “Motion” means a proposal by a Member presented in a Meeting in accordance with the Rules of Procedure for the consideration of Council or Committee;
- (t) “Notice of Motion” means an oral notice at Council or a written notice received by the Clerk’s Office advising Council that the Motion described therein will be brought at a future meeting of Council;
- (u) “Pecuniary Interest” means a direct or indirect pecuniary interest of a Member as defined in the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50;
- (v) “Procedural Motion” means any Motion concerning the manner or time of consideration of any matter before the Council, as opposed to the substance thereof, and includes, without limitation, the following:
  - (i) to extend the time of the meeting;
  - (ii) to refer;
  - (iii) to defer to a specific date;
  - (iv) to recess;
  - (v) to adjourn;
  - (vi) to move the question be put; or
  - (vii) to suspend the Rules of Procedure;
- (w) “Recorded Vote” means a written record of the name and vote of each Member who votes on a question and of each Member present who does not vote;
- (x) “Region” means the Regional Municipality of Niagara;
- (y) “Rules of Procedure” means the rules and procedures set out in this By-law for the calling, place and proceedings of the meetings of Council and its Committees;
- (z) “Special Meeting” means a meeting other than a regularly scheduled meeting, called pursuant to the Act or the provisions of this By-law;
- (aa) “Standing Committee” means a Committee established by Council, composed entirely of members of Council, to carry out duties on an ongoing basis, as specified by Council; and

(bb) “Substantive Motion” means any Motion other than a Procedural Motion.

As Amended  
January 16, 2014  
By-law No. 01-2014

(cc) **“Authorized Leave” from a Committee meeting means an approved absence that is beyond an individual’s control, such as bereavement; serving as a juror or witness, or as the parent or guardian of a minor who has been compelled to attend court to serve as a witness in any court; an illness that has prevented a member to attend two or more consecutive meetings; hospitalization and caring for a sick child or parent.**

As Amended  
January 16, 2014  
By-law No. 01-2014

(dd) **“Unauthorized Leave” from a Committee meeting means an absence that is due to a vacation; short-term illness; work commitments; an event that would have the member miss one meeting for the reason cited.**

## 2. GENERAL

- 2.1 The Rules of Procedure contained in this By-law shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business in Council.
- 2.2 The Rules of Procedure contained in this By-law shall be observed, with necessary modifications, in proceedings of all Committees.
- 2.3 All matters not specifically provided for in this By-law shall be regulated in accordance with the parliamentary procedures outlined in Bourinot’s Rules of Order.
- 2.4 In the absence of any statutory obligations, the Rules of Procedure may be temporarily suspended by Council by an affirmative vote of two-thirds of the Members present.
- 2.5 This By-law shall not be amended or repealed except by an affirmative vote of two-thirds of the Members present, but no such amendment or repeal may be considered at any meeting of Council unless notice of the proposed amendment or repeal has been given at a previous regular meeting of Council. The requirement to give notice shall not be waived.
- 2.6 If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

As Amended  
April 10, 2014  
By-law No. 46-2014

- 2.7** *Members of the public, including accredited and other representatives of any news media, may use cameras, recording equipment, television cameras, and any other devices of a mechanical, electronic, or similar nature to transcribe or record open session proceedings of Council and Committees. These devices may not be used in such a way as to obstruct or disrupt the proceedings of the meeting.*

### **3. ROLE OF COUNCIL**

3.1 It is the role of Council:

- (a) to represent the public and to consider the well-being and interests of the Region;
- (b) to develop and evaluate the policies and programs of the Region;
- (c) to determine which services the Region provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- (e) to ensure the accountability and transparency of the operations of the Region, including the activities of the senior management of the Region;
- (f) to maintain the financial integrity of the Region; and
- (g) to carry out the duties of Council under the Act or any other statute.

### **4. ROLE OF THE CHAIR**

4.1 It is the role of the Chair:

- (a) to act as chief executive officer of the Region;
- (b) to preside over Council meetings so that its business can be carried out efficiently and effectively;
- (c) to provide leadership to Council;
- (d) without limiting clause (c), to provide information and recommendations to Council with respect to the role of Council described in clauses 3.1(d) and 3.1(e) of this By-law;
- (e) to represent the Region at official functions; and



- (f) to carry out the duties of the head of council under the Act and any other statute.

4.2 As chief executive officer of the Region, the Chair shall:

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

4.3 It shall be the duty of the Chair, with respect to any meetings over which he or she presides, to:

- (a) preserve order and decide all questions of order, subject to appeal, and without argument or comment, state the rule applicable to any point of order if called upon to do so;
- (b) receive and submit to a vote all Motions presented by the members of Council or Committee, as the case may be, which do not contravene the Rules of Procedure;
- (c) announce the results of the vote on any Motions so presented;
- (d) decline to put to a vote Motions which are contrary to the Rules of Procedure or which are beyond the jurisdiction of Council;
- (e) enforce on all occasions the observance of order and decorum among the Members;
- (f) authenticate by his or her signature, when necessary, all by-laws, minutes and resolutions of Council or Committee;
- (g) adjourn the meeting when business is concluded;
- (h) adjourn the sitting without a question being put or suspend or recess the sitting for a time to be named if considered necessary;
- (i) represent and support Council, declaring its will and implicitly obeying its decisions in all things; and

(j) perform other duties when directed to do so by resolution of Council.

4.4 The Chair shall be the chair of the Committee of the Whole meetings except for Budget Review Committee of the Whole Meetings. The Chair may also select another Member to Chair Committee of the Whole meetings.

4.5 The Chair shall be a member of all Committees and shall have full privileges, including the right to vote at meetings thereof, but shall not be eligible to be the Committee Chair/Co-Chair or Committee Vice-Chair.

4.6 The Chair shall only vote in a Council meeting to break a tie vote.

*As Amended  
April 14, 2011  
By-law No. 49-2011*

4.7 In accordance with the Act, in each term, as soon after the commencement of the term as is reasonably possible, Council shall appoint by by-law, and in alphabetical order, each of the members of council to serve as Acting Chair for designated periods of time, which periods shall insofar as is practicable, be of equal duration. The Acting Chair shall serve in circumstances where the Chair is absent or refuses to act or the office is vacant and while so acting in the place and stead of the Chair, such Member shall have all powers and duties of the Chair.

## **5. REGULAR MEETINGS OF COUNCIL AND COMMITTEE OF THE WHOLE**

5.1 All meetings of Council and Committee of the Whole shall be held in the Council Chambers at 2201 St. David's Road, Thorold, according to the schedule to be set annually and approved by Council, or at such other time or place as may be designated by Council from time to time.

*As Amended  
December 8, 2011  
By-law No. 124-2011  
and Further Amended  
December 12, 2013  
By-law No. 133-2013*

5.2 Regular meetings of Council shall be held on a Thursday, commencing at **6:30 p.m.** in Open Session ***or at such other time as may be designated by the Regional Chair from time to time.***

*As Amended  
December 8, 2011  
By-law No. 124-2011*

5.3 All Closed Session items for discussion at Regional Council shall be discussed in Closed Session following '***Other Business***'.

*As Amended  
February 9, 2012  
By-law No. 11-2012;  
and Further Amended  
November 21, 2013  
By-law No. 130-2013*

5.4 ***The curfew for each regular meeting of Council is 10:30 p.m. The meeting shall stand adjourned at that curfew, unless the curfew is extended to 11:00 p.m. at the latest, by an affirmative vote of the majority of Members present.***

5.5 Council may, by resolution, go into Committee of the Whole and the Chair shall chair the meeting and shall maintain order during the meeting.

5.6 The Rules of Procedure contained in this By-law shall be observed in the Committee of the Whole, with necessary modifications, except that:

- (a) the number of times a Member may speak on any question shall not be limited; and
- (b) a Motion to adjourn shall not be permitted, except when meeting apart from a regular Council Meeting.

5.7 The proceedings of the Committee of the Whole, when held as part of the proceedings at a Council Meeting, shall be reported by the Chair of Committee of the Whole as soon as the Committee of the Whole rises.

5.8 The report of the Committee of the Whole, when held apart from a regular Council Meeting, shall be treated in the same manner as a Committee report when being considered by Council.

*As Amended  
May 3, 2012  
By-law No. 38-2012*

5.9 The Chair and Vice Chair of the Budget Review Committee of the Whole shall be elected for a term of two (2) budget years ***directly at Council.***

5.10 The Budget Review Committee of the Whole shall receive delegations from interested persons at public participation meetings designated as part of the budget process.

5.11 The meetings of the Council Business Planning Committee of the Whole may be chaired by the Chair or a Member selected by the Chair. The use of meeting facilitators shall also be permitted at Council Business Planning Committee of the Whole meetings and participation in such meetings but not voting may be extended by the Committee to parties who are not members of the Committee.

5.12 The Chair shall have a pre-meeting to review the agenda prior to Council meetings to ensure the appropriate placement of items on the agenda, to provide appropriate timing for presentations and to ensure an effective meeting.

## **6. SPECIAL MEETINGS**

6.1 Upon notice as set out in Section 6.2, the Chair may, at any time, call a Special Meeting of Council or the Committee of the Whole and upon receipt of a petition of the majority of the Members, the Clerk shall call a Special Meeting of Council or Committee of the Whole for the purpose and at the time and place set out in the petition.

*As Amended  
January 17, 2019  
By-law No. 2019-03*

- (a) ***Every effort should be made to circulate a petition for a call for a special meeting to all members of Council.***

- 6.2 The Clerk shall provide all Members with notice of a Special Meeting at least forty-eight (48) hours before the time appointed for such meeting by personal delivery, facsimile, e-mail or other electronic means to the Member's residence or office, or by contacting the Member by telephone.
- 6.3 No business may be transacted at a Special Meeting of Council other than that specified in the notice or agenda.
- 6.4 The lack of receipt of a notice of, or an agenda for, a Special Meeting by any Member shall not affect the validity of the Special Meeting or any action taken thereat.

## **7. EMERGENCY MEETINGS**

- 7.1 Notwithstanding any other provision of this By-law, an Emergency Meeting of Council may be called by the Chair without written notice to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk to notify the Members about the meeting as soon as possible and in the most expedient manner available.
- 7.2 The only business to be dealt with at an Emergency Meeting shall be business dealing directly with the emergency or extraordinary situation.
- 7.3 The lack of receipt of a notice of, or an agenda for, an Emergency Meeting by any Member shall not affect the validity of the Emergency Meeting or any action taken thereat.

## **8. QUORUM**

- 8.1 A majority of Members representing at least one-half of the Area Municipalities is necessary to form a quorum of Council and Committee of the Whole.
- 8.2 As soon as there is a quorum after the time set for the Meeting, the Chair shall call the meeting to order.
- 8.3 If a quorum is still not present within thirty (30) minutes after the time set for the Meeting, then the Clerk shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next Meeting.
- 8.4 If a quorum is lost during a Meeting and is not regained within fifteen (15) minutes, the Meeting shall stand adjourned until the next Meeting.

*As Amended* 8.5  
*December 8, 2011*  
*By-law No. 124-2011*

The quorum of all Committees, except for Committee of the Whole, shall be as set out in Sections **22.9; 22.10; 22.11; 22.12 and 22.13.**

- 8.6 Where the number of Members who, by reason of the provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, 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 the remaining number of Members shall be deemed to constitute a quorum, provided such number is not less than two (2).

*As Amended* 8.7  
*January 16, 2014*  
*By-law No. 01-2014*

- Where by reason of an approved Authorized Leave by the Committee Chair, a member(s) is disabled from participating in a meeting, the number of Members shall be reduced temporarily to determine quorum, provided such number is not less than two (2).

## **9. PUBLIC ACCESS TO MEETINGS**

- 9.1 Except as otherwise provided in this Section, all Meetings shall be open to the public.
- 9.2 As per the Canadian Charter of Rights and Freedoms, meetings shall be conducted to respect the freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication.
- 9.3 When determined by the Regional Clerk, security personnel (third party, by-law enforcement officer, or Sergeant-at-Arms) shall be present to oversee the media and public areas of the gallery.
- 9.4 If a member of the public or media is deemed to be disruptive by the Chair or presiding officer, the security personnel shall be directed to request the person to stop being disruptive. In the event that the disruptive behaviour continues, the security personnel shall provide the person with a warning. If the warning is not adhered to by the person, the security personnel shall advise the Chair or presiding officer.
- 9.5 When advised by security personnel that the disruptive behaviour is continuing, or if the Chair or presiding officer deems the person to exhibit improper conduct, the person may be expelled from the meeting. If the decision is made to expel the person from the meeting, security personnel will request the person to leave the meeting room. If the person is non-compliant to the request to leave the room, security personnel will contact local police services for assistance.
- 9.6 In the absence of security personnel, the Regional Clerk (or designate) shall assume the role of the security personnel.
- 9.7 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 Region;
  - (b) personal matters about an identifiable individual, including Regional employees;
  - (c) a proposed or pending acquisition or disposition of land by the Region;
  - (d) labour relations or employee negotiations;
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the Region;
  - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (g) a matter in respect of which a council, 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; or
  - (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- 9.8 A Meeting shall be closed to the public if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, if Council is designated as head of the institution for the purposes of that act.
- 9.9 A Meeting of Council or of a Committee may be closed to the public if the following conditions are both satisfied:

- (a) The meeting is held for the purpose of educating or training the Members.
  - (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 or Committee.
- 9.10 Before holding a Meeting or part of a Meeting that is to be closed to the public, Council or Committee shall state by resolution:
- (a) the fact of the holding of the Closed Session and the general nature of the matter to be considered at the Closed Session; or
  - (b) in the case of a meeting under Section 9.9, the fact of the holding of the Closed Session, the general nature of its subject-matter and that it is to be closed under that Section.
- 9.11 Only items contained in the resolution provided for in Section 9.10 shall be considered by the Council or Committee in closed session.
- 9.12 A Meeting shall not be closed to the public during the taking of a vote except where:
- (a) the provisions of this By-law or the Act permit or require the Meeting to be closed to the public; and
  - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Region or persons retained by or under a contract with the Region.
- 9.13 After the Council agenda has been adopted by resolution, a motion to move into closed session is only in order if the motion relates to an item already on the approved agenda and a closed session is permitted in accordance with the provisions of this by-law.
- 9.14 After the motion to move into closed session has been adopted, the Chair or presiding officer shall remind all persons of the public and media (and designated staff) that are vacating the room to ensure all their personal belongings and equipment are also removed.
- 9.15 The Chair or presiding officer shall provide sufficient time to accommodate the public and media (and designated staff) to orderly vacate the room, up to a maximum of five minutes.
- 9.16 In the event there is heavy or bulky media equipment, and upon the discretion of the Regional Clerk (or designate), the equipment may be left in

the meeting room if the equipment is verified by the Clerk to be powered off, unplugged, and pointed away from the Council seating areas.

- 9.17 If an emergency occurs during a closed session meeting, the meeting will be automatically deemed suspended in order for staff to manage the emergency.
- 9.18 If a non-emergency event occurs during a closed session meeting, the Chair of Committee or Council will openly declare the meeting suspended in order for staff to manage the event.
- 9.19 If an unauthorized recording device is located during a closed session meeting, the Chair of Committee or Council will openly declare the meeting suspended in order for staff to manage the event.

The Regional Clerk (or designate) shall attempt to locate the owner of the device. The owner will be asked to demonstrate that the device did not record the closed session meeting to the satisfaction of the Clerk. If the device inadvertently recorded the closed session meeting, the Clerk will request the owner of the device to erase the recording to the satisfaction of the Clerk. If the owner of the device is non-compliant to the request of the Clerk, local police services may be called for assistance.

- 9.20 After the closed session has concluded, the Chair or presiding officer shall provide sufficient time for the media and public to return to the media table.
- 9.21 All deliberations while in Closed Session shall remain confidential unless otherwise agreed upon by a Majority vote of Council. Only the final results of deliberations may be made public when such disclosure is authorized by Council.

## 10. **PUBLIC NOTICE OF MEETINGS**

- 10.1 The Clerk shall provide public notice of all meetings of Council and Committee by posting a notice on the website of the Region which includes the place, date and time of the Meeting and the Meeting agenda.

## 11. **COUNCIL AGENDA**

*As Amended  
December 8, 2011  
By-law No. 124-2011*

- 11.1 The Clerk shall prepare the agenda for all regular meetings of Council. The order of proceedings shall be as follows, or as otherwise determined by the Clerk:

(a) Call to Order;

*As Amended  
November 1, 2018  
By-law No. 2018-80*

(b) ***Land Acknowledgement Statement;***



As Amended  
February 28, 2019  
By-law No. 2019-16

- (c) **Moment of Reflection;**
- (d) Singing of 'O Canada';
- (e) Adoption of Agenda:
  - (i) Addition of Items;
  - (ii) Changes in Order of Items
- (e) **Disclosures of Pecuniary Interest;**
- (f) Presentations;
- (g) Chair's Reports, Announcements, Remarks;
- (h) **Delegations (related to Committee Reports)**
- (i) Adoption of Minutes of Previous **Open Session and Closed Session** Meeting(s);
- (j) Correspondence, Petitions:
  - (i) Receive and/or Refer to Staff;
  - (ii) For Consideration
- (k) Committee Reports (**Open Session**);
- (l) Chief Administrative Officer's Reports;
- (m) Motions;
- (n) Notices of Motion;
- (o) Other Business;
- (p) **Motion for Closed Session;**
- (q) **Closed Session;**
  - (i) Committee Reports - Closed Session
  - (ii) Confidential Report(s) directly submitted to Council
- (r) **Report from Closed Session;**
- (s) **By-laws; and**

As Amended  
June 19, 2014  
By-law No. 58-2014

**(t) Adjournment.**

- 11.2 The business of each Meeting shall be dealt with in the order in which it stands in the agenda, unless otherwise decided by a Majority vote of the Members present.
- 11.3 All reports, notices, motions and any other material to be included in the agenda for a regular Council meeting shall be delivered in writing or electronically to the Clerk, by 9:00 a.m. on the Friday preceding the regular Council meeting. The deadline for the submission of matters permitted for inclusion in the addendum to the Council agenda shall be 9:00 a.m. on the day of the Council meeting.
- 11.4 Every item of correspondence, petition, report and other written material intended to be presented to Council shall be legibly written or printed and shall be signed by at least one person. The Clerk may submit such written communication to Council in summary form.
- 11.5 The Clerk shall distribute the agenda for each regular Council meeting to every Member by mail, personal delivery, facsimile, e-mail or other electronic means, not less than seventy-two (72) hours before the scheduled meeting.

**12. DISCLOSURE OF PECUNIARY INTEREST**

*As Amended  
December 8, 2011  
By-law No. 124-2011*

- 12.1 In accordance with the Municipal Conflict of Interest Act, where a Member has any Pecuniary Interest in any matter and is present at a Council meeting or Committee meeting at which the matter is the subject of consideration, the Member shall:
- (a) *Disclose their Pecuniary Interest following the adoption of the agenda;***
- (b) prior to any consideration of the matter at the Meeting, disclose the interest and the general nature thereof;
- (c) not take part in the discussion of, or vote on, any question in respect of the matter; and
- (d) not attempt in any way, whether before, during or after the Meeting, to influence the voting on any such question.
- 12.2 Where a meeting is not open to the public, in addition to complying with the requirements set out above, the Member shall forthwith leave the meeting for that part during which the matter is under consideration.

- 12.3 Where the interest of a Member has not been disclosed by reason of his or her absence from the particular Meeting, the Member shall disclose his or her interest at the next Meeting at which such Member attends.
- 12.4 The Clerk shall record in reasonable detail the particulars of any disclosure of Pecuniary Interest made by members of Council or Committees, as the case may be, and any such record shall appear in the minutes of that particular Meeting of Council or of Committee.

**13. DELEGATIONS AND PRESENTATIONS**  
***Amended April 14, 2011 by By-Law 49-2011***

- 13.1 Any person, group of persons or organization wishing to address a Standing Committee with respect to a matter already on a Committee agenda shall submit a written request to the Clerk no later than 9:00 a.m. on the Thursday the week prior to the meeting of the Committee. Delegation requests to address a Standing Committee on matters not already on the agenda must be submitted at least 14 days before the date and time of the meeting of the Committee. The Clerk shall direct delegations to the appropriate Committee and delegations will not be permitted at more than one Committee.
- 13.2 It is Council's preference that all delegations be made to the appropriate Standing Committee. Nevertheless, delegations shall be permitted to appear at Council meetings with respect to items on the Council agenda provided a written request is made to the Clerk by 9:00 a.m. on Friday prior to the meeting. Delegations appearing before a Standing Committee can only appear as a delegation at Council to present new information on the matter involved.
- 13.3 Any person wishing to submit a written communication regarding a Standing Committee recommendation for inclusion in the Council agenda may do so by filing a written communication with the Clerk by 9:00 a.m. on the Friday prior to the Council meeting. Written submissions for inclusion in the Addendum to the Council agenda must be filed with the Clerk by 9:00 a.m. on the day of the Council meeting.

***As Amended*** 13.4  
***December 12, 2013***  
***By-law No. 133-2013***

Written notice to the Clerk from a delegation shall include the person's name, address; telephone number ***and a detailed brief of their presentation outlining the request/direction the presenter is seeking from*** the Standing Committee or Council and if applicable, the name, address and telephone number of any person(s) or organization which he or she represents. The brief will form part of the official record of the proceedings of Committee or Council and therefore will be considered to be a public document.

***As Amended*** 13.5  
***December 8, 2011***  
***By-law No. 124-2011***  
***and Further Amended***  
***December 12, 2013***  
***By-law No. 133-2013***

In the case of extenuating circumstances, a Standing Committee or Council may, by a Majority vote permit a person to appear as a delegation who does

not appear on the agenda. A written request must be made to the Clerk by 9:00 a.m. on the day of the Standing Committee or Council meeting to request a delegation under this section **that contains the person's name, address; telephone number and a detailed brief of their presentation outlining the request/direction the presenter is seeking from the Standing Committee or Council.** If the delegation request does not relate to a matter already on the agenda it must pertain to an emergent matter.

As Amended  
May 3, 2012  
By-law No. 38-2012  
**and Further Amended  
December 12, 2013  
By-law No. 133-2013**

13.6 Delegations and presentations shall be limited to a presentation of not more than ten (10) minutes, unless otherwise determined by the Committee Chair/Co-Chair or Regional Chair. A delegation of not more than five (5) persons, representing a group or organization, shall be limited to two (2) speakers, permitted to speak not more than ten (10) minutes **in total.** Only new information is to be presented by successive speakers of such delegation.

13.7 Delegations concerning labour relations, union negotiations and any employee relations will not be heard at any Standing Committee or Council meetings. All signed submissions received by the Clerk concerning these matters shall be referred to the Chief Administrative Officer of the Region.

13.8 Delegations shall not be permitted at Council meetings to address planning matters that were considered at a public meeting pursuant to the provisions to the Planning Act.

13.9 Presentations for the purposes of Sections 13.6 and 13.10 are defined as visual presentations given by an agency, board, commission or staff, and shall be limited to:

- (a) Council business related to services provided by the Region, and programs, policies and practices of the Region;
- (b) Council – sponsored awards
- (c) Corporate Employee Recognition (CERT);
- (d) Recognition of staff or Councillor accomplishments at the provincial, national or international level; and

As Amended  
December 12, 2013  
By-law No. 133-2013

(e) **matters within The Regional Municipality of Niagara's jurisdiction**

13.10 Presentations, as defined in Section 13.9, shall be limited to not more than two (2) per Council meeting.

13.12 The Clerk shall encourage presentations as defined in Section 13.9 to be made at Standing Committee meetings wherever possible.

## 14. MINUTES OF MEETINGS

14.1 The minutes of every Meeting, whether it is closed to the public or not, shall be recorded by the Clerk, in the case of meetings of Council, or appropriate officer, in the case of meetings of Committee. For the purposes of this Section 14.1, "Clerk" means the Clerk, Deputy Clerk or designate.

14.2 The minutes of all meetings of Council and Committees shall record:

- (a) the place, date and time of meeting;
- (b) the name of the presiding officer and the record of the attendance of the Members **present and those who have sent their regrets**, and the name of the recording secretary and senior staff present; and
- (c) without note or comment, all resolutions, decisions and other proceedings of the meeting.

*As Amended  
December 8, 2011  
By-law No. 124-2011*

*As Amended* 14.3 The Members **may** inform the Clerk's office **where reasonable** of all planned absences, late arrivals and early departures from Council and Committee meetings.  
*December 8, 2011  
By-law No. 124-2011*

14.4 The minutes of each Council meeting shall be presented to Council at the next regular meeting for approval.

14.5 After the Council minutes have been approved by Council, they shall be signed by the Chair and the Clerk.

*As Amended* 14.6 The **public** Committee report of each Committee meeting shall be presented to Council at the next regular Council meeting for consideration and adoption of Committee recommendations contained in it.  
*December 8, 2011  
By-law No. 124-2011*

14.7 Recordings of Meetings shall be retained in accordance with the Region's Records Retention By-law.

*As Amended* 14.8 The closed session Committee report of each Council or Committee meeting shall be presented to Council at their next regular Council meeting for; **and** consideration and adoption of Committee recommendations contained in it, in closed session by Council and reported on in open session, as follows:  
*December 8, 2011  
By-law No. 124-2011;  
and Further Amended  
May 3, 2012  
By-law No. 38-2012*

That the minutes of closed session of the respective Council and/or Standing Committee held on the meeting date be received and the recommendations contained therein be approved or approved as amended, **including the following:**

***That Confidential Report Number, dated, respecting Report Title, report's disposition.***

- As Amended 14.9 ***A Confidential Report that is submitted directly to Council shall be considered in closed session by Council and reported on in public, as follows:***  
December 8, 2011  
By-law No. 124-2011

***That Confidential Report Number, respecting the subject matter, be received and the recommendations contained therein be approved or approved as amended.***

**15. CODE OF CONDUCT**

- 15.1 A code of conduct setting out general standards for acceptable conduct by Members in performance of their public duties is set out in Appendix "A" to this By-law.

**16. RULES OF DEBATE**

- 16.1 Any Member who wishes to speak must raise his or her hand and be recognized by the Chair. Once recognized, the Member, if able, shall stand to speak to the matter.
- 16.2 When two (2) or more Members raise their hands, the Chair shall designate the order in which they may speak.

- As Amended 16.3 No Member may speak more than once on the same matter ***unless Regional Council, dispense with this provision with an affirmative vote of at least two-thirds of the members present,*** except in explanation of a material part of that Member's remarks which may have been misunderstood, and in doing so, that Member shall not introduce any new matter. A reply shall be allowed to a Member who has made a Substantive Motion.  
December 12, 2013  
By-law No. 133-2013

- As Amended 16.4 No Member may speak to the same question or in reply for any longer than ten (10) minutes including ***comments,*** questions to staff ***and staff responses*** in Council and Committee of the Whole, without leave of the Council or Committee of the Whole.  
December 12, 2013  
By-law No. 133-2013

- 16.5 When a Member is speaking, no other Member shall pass between that Member and the Chair or interrupt that Member except to raise a point of order.
- 16.6 Any Member may require the question or Motion under discussion to be read at any time during the debate, but not so as to interrupt a Member while speaking.

- 16.7 When the minutes of a Standing Committee meeting are presented to Council, the Committee Co-Chairs, Chairs or Vice Chairs shall have the first opportunity to speak to the matters included and may explain the basis for the Standing Committee's recommendations.

## 17. POINTS OF PRIVILEGE AND ORDER

- 17.1 When a Member believes that his or her rights, privileges or integrity, or those of the Members collectively have been prejudicially affected, that Member may ask leave of the Chair to raise a question of privilege and after leave is granted, the Member shall state the point of privilege to the Chair and the point of privilege shall be immediately decided by the Chair.
- 17.2 When a Member desires to call attention to a deviation or departure from the Rules of Procedure, that Member shall ask leave of the Chair to raise a point of order and after leave is granted, the Member shall state the point of order to the Chair and the point of order shall be immediately decided by the Chair.
- 17.3 It shall be the duty of the Chair to decide all points of privilege and order and, if called upon to do so, to state the rule applicable to any point of order, practice or procedure. The Chair's ruling on a point of order shall be made without debate and shall be final subject only to an immediate appeal from such ruling by a Member.
- 17.4 In the case of an immediate appeal by a Member from the decision of the Chair on a point of order, practice or procedure, such Member shall state the grounds for the appeal and such appeal must be decided, without debate, by the concurring votes of a majority of Members present **on "Shall the ruling of the Chair be sustained"**.
- 17.5 When the Chair calls a Member to order, that Member shall cease speaking until the point of order is dealt with and that Member shall not speak again to the matter under discussion, without the permission of the Chair, unless to appeal the ruling of the Chair.
- 17.6 When the Chair considers that the integrity of the Chief Administrative Officer or a member of the staff has been impugned or questioned, the Chair may permit the Chief Administrative Officer or other staff member present to make a statement to the Council.

*As Amended  
May 3, 2012  
By-law No. 38-2012*

## 18. NOTICES OF MOTION

- 18.1 Except as otherwise provided in this By-law, all notices of Motion shall be:
- (a) presented at a meeting of Council, but shall not be debated until the next regular meeting of Council; or

- (b) delivered to the Clerk not less than seven (7) days prior to the date of the Meeting at which the Motion is to be introduced.

18.2 A Motion may be introduced without notice if Council, without debate, dispenses with the requirement for notice on the affirmative vote of two-thirds of the Members present.

## 19. MOTIONS

*As Amended* 19.1 A Motion may only be considered if written notice thereof was distributed with the agenda for the Meeting at which the Motion is considered, unless:  
*December 8, 2011*  
*By-law No. 124-2011*

- (a) the Motion is for Council to adopt a report of a Committee, which report was distributed with the agenda for the Council meeting, in which case the presence of the report constitutes written notice of the adopting Motion; or

- (b) the Motion is to:

- (i) call the question;*
- (ii) refer;*
- (iii) defer;
- (iv) recess;
- (v) adjourn;
- (vi) suspend the Rules of Procedure;
- (vii) decide an appeal on a point of order, practice or procedure; or
- (viii) amend a Motion.

19.2 Notwithstanding Section 19.1, a Motion which relates to an expenditure of \$1,000,000 or more may only be considered if written notice thereof and a written staff report thereon were distributed not less than twenty-four (24) hours prior to the time of the Meeting.

*As Amended* 19.3 ***All motions including motions to adopt a report of a Committee, shall be moved and seconded before being debated or put to a vote.***  
*December 8, 2011*  
*By-law No. 124-2011*

19.4 After a Motion has been read or stated by the Chair, it shall be deemed to be in the possession of Council, but may, with the permission of Council, be withdrawn by the originator at any time before a decision or amendment.

*As Amended* 19.5 A Motion shall be decided without debate or amendment if it is to:  
*December 8, 2011*  
*By-law No. 124-2011*

- (a) call the question;*

- (b) refer or defer;*



- (c) adjourn; or
- (d) extend curfew.

Provided that where a matter that is subject to a Motion to refer is a recommendation of a Standing Committee, the Co-Chair, Chair or Vice Chair of that Committee may address matters raised in the Motion to refer, prior to a vote on the Motion.

*As Amended* 19.6  
*December 8, 2011*  
*By-law No. 124-2011*

The priority of Motions, in declining order, is set out as follows. Each matter or Motion takes precedence over those that are below it in this list (i.e. if moved, it must be decided before others ranking below it):

- (a) call the question:**
- (b) refer;**
- (c) defer;
- (d) adjourn;
- (e) suspend the Rules of Procedure;
- (f) decide an appeal on a point of order, practice or procedure; and
- (g) amend a Motion.

All other Motions not listed above are of lower priority and are of equal priority among them.

19.7 Consideration of a Motion may be interrupted by consideration of a Motion with higher priority.

19.8 When a Motion is under debate, no other Motion shall be in order except a Motion to amend.

#### 19.9 **Motion to Adjourn**

- (a) A Motion to adjourn:
  - (i) is not debatable;
  - (ii) is not amendable;
  - (iii) shall not include qualifications or additional statements; and

- (iv) is always in order, except when a Member is speaking, when the Members are voting or when made in Committee of the Whole.
- (b) When a Motion to adjourn has been decided in the negative, no further Motion to adjourn shall be made until Council has conducted further proceedings.

#### 19.10 Motion to Amend

- (a) A Motion to amend:
  - (i) shall be relevant to the main Motion;
  - (ii) shall not be received if in direct opposition to the main Motion;
  - (iii) is debatable; and
  - (iv) is amendable, however, an amendment to the amendment is not.
- (b) Only one Motion to amend an amendment to the question shall be allowed at one time and any further amendment must be to the main question.
- (c) Voting on the main Motion and amending Motions shall be conducted in the following order:
  - (i) a Motion to amend a Motion to amend the main Motion;
  - (ii) a Motion (as amended or not) to amend the main Motion; and
  - (iii) the main Motion (as amended or not).

#### 19.11 Motion to Refer

- (a) A Motion to refer a matter under consideration back to a Committee or other body:
  - (i) is not debatable, except when instructions are included, in which case only the instructions shall be debatable;
  - (ii) is amendable with respect to the Committee or other body to which the matter is to be referred and the instructions to the Committee or other body; and
  - (iii) shall take precedence over all amendments or debate of the original Motion until it is decided.
- (b) A Motion to refer a matter shall specify the Committee or other body to whom the matter is being referred and may contain instructions from Council.

- (c) A Motion to refer a matter may only be moved by a Member who has not yet spoken on the matter (except to give the reason(s) for the Motion to refer) unless every Member who wishes to speak on the matter has had an opportunity to do so.

#### 19.12 Motion to Extend Curfew

*As Amended  
June 19, 2014  
By-law No. 58-2014*

- (a) A Motion to extend curfew beyond the hour of **10:30** p.m.:
  - (i) is not amendable;
  - (ii) is not debatable; and
  - (iii) is always in order, except when a Member is speaking or when the Members are voting.

*As Amended  
February 9, 2012  
By-law No. 11-2012*

- (b) ***Requires a majority vote of the Members present.***

#### 19.13 Motion to Defer

- (a) A Motion to defer a matter under consideration:
  - (i) is not amendable;
  - (ii) is not debatable;
  - (iii) is always in order, except when a Member is speaking or when the Members are voting; and
  - (iv) shall specify a date at which time the matter will again be considered by Council.

#### 19.14 Motion to Rise With/Without Report

- (a) A Motion to rise and report shall be decided without debate.
- (b) A Motion to rise without report:
  - (i) is always in order;
  - (ii) takes precedence over any other Motion; and
  - (iii) is debatable.

*As Amended  
December 8, 2011  
By-law No. 124-2011*

#### 19.15 Motion to Call the Question

***A motion that a vote on the question be now taken:***

- (a) ***can be made only by a Member who is recognized by the Chair as the next speaker wishing to speak to the motion in the following words, "that the question be now put";***

- (b) cannot be proposed when there is an amending motion under consideration, except for the purpose of moving that the amending motion be put;**
- (c) when resolved in the affirmative, requires that the question (motion, amending motion or motion as amended, whichever is under consideration) be put forward immediately without debate or amendment;**
- (d) Requires a majority vote of the Members present.**
- (e) is not a point of order;**
- (f) is not amendable; and**
- (g) is not debatable.**

#### 19.16 Motion to Reconsider

- (a) At any regular Council Meeting, after a matter has been decided by Council, a Member who voted in the majority may present a Notice of Motion to reconsider the matter. Such Notice of Motion shall be referred to the next available Meeting of Council and shall be included on the agenda under "Motions".
- (b) Actions of Council that cannot be reversed or suspended cannot be reconsidered.
- (c) Before accepting a Notice of Motion to reconsider, the Chair may ask the Member to confirm that he/she voted with the majority on the issue in question.
- (d) A Motion to reconsider a decided matter shall require the approval of at least two-thirds of Council present.
- (e) No decided matter may be reconsidered more than once, nor shall a Motion to reconsider be reconsidered.
- (f) No debate on a Motion to reconsider shall be permitted, however, the mover of a Motion to reconsider may provide or may make a brief and concise statement outlining the reasons for proposing such reconsideration.
- (g) If a Motion to reconsider is decided in the affirmative at a Meeting, then consideration of the original decided matter may become the next order of business or may be referred to a subsequent meeting.

*As Amended*  
*December 8, 2011*  
*By-law No. 124-2011*

**(h) A Motion to reconsider a Standing Committee decided matter, shall not be reconsidered by a Committee before the motion is submitted to Council for consideration.**

#### 19.17 Motion to Recess

- (a) A “recess” is a short intermission in the meeting’s proceedings which does not close the meeting, and after which business will immediately be resumed at exactly the point where it was interrupted.
- (b) A Motion to recess:
- (i) is not debatable;
  - (ii) is amendable as to the length of the recess; any such amendment is not debatable; and
  - (iii) requires a Majority vote.

*As Amended* 19.18 ***Upon the request of any member of Council/Committee, a motion under consideration that contains distinct propositions, can have each proposition voted on separately.***  
*December 8, 2011*  
*By-law No. 124-2011*

*As Amended* 19.19 ***Notwithstanding Section 19.1, a Motion shall be in writing or in electronic form to permit the display on the screens in the Council Chamber during debate.***  
*December 8, 2011*  
*By-law No. 124-2011*

*As Amended* 19.20 **Motion to Close the Speakers List**  
*December 12, 2013*  
*By-law No. 133-2013*

- (a) A Motion to close the speakers list as it stands at this time:
- (i) can be made only by a Member who is recognized by the Chair as the next speaker wishing to speak to the motion in the following words, “that the speakers list be closed as it stands at this time”;
  - (ii) when resolved in the affirmative, the Chair will advise the members of the names that are listed on the speakers list;
  - (iii) once the speakers list is exhausted the question (motion, amending motion or motion as amended, whichever is under consideration) be put forward immediately without further debate;
  - (iv) Requires a majority vote of the Members present;
  - (v) is not a point of order;
  - (vi) is not amendable;
  - (vii) is not debatable.

## 20. VOTING PROCEDURES

- 20.1 A Motion shall be put to a vote by the Chair immediately after all Members desiring to speak on the Motion have spoken in accordance with the Rules of Procedure.
- 20.2 Unless otherwise provided in the By-law or requested by the Chair, a vote may be by voice, show of hands, standing or otherwise.
- 20.3 Unless otherwise provided in the By-law, every Member shall have one (1) vote.
- 20.4 Except for the election of the Chair, no vote shall be taken by ballot or by any other method of secret voting.
- 20.5 Except as otherwise required under the Act, any other statute or this By-law, all Motions, resolutions and by-laws shall be carried, passed and enacted, as the case may be, by a Majority vote.
- 20.6 After a Motion is put to a vote by the Chair, no Member shall speak on that Motion, nor shall any other Motion be made until after the result of the vote is announced by the Chair.
- 20.7 No Member shall leave his or her seat or make any noise or disturbance while a vote is being taken until the vote is declared.
- 20.8 Unless otherwise provided in the By-law, when a question or Motion is put to a vote, every Member present at a Council meeting shall vote thereon, except where the Member is disqualified from voting by reason of a declared Pecuniary Interest or is absent from the Council Chambers when the question or Motion is put to a vote.
- 20.9 Every Member who is not disqualified from voting by reason of a declared Pecuniary Interest shall be deemed to vote against the Motion if the Member declines or abstains from voting.
- 20.10 A Member present at the time of a vote may call for a Recorded Vote immediately before or after the taking of the vote.
- 20.11 Unless otherwise provided in the By-law, each Member present, except a Member who is disqualified from voting by reason of a declared Pecuniary Interest, shall **indicate** his or her vote openly **during the taking of a recorded vote** and the Clerk shall record each vote.
- 20.12 When a Recorded Vote is taken, the names of those who voted for and those who voted against the Motion shall be entered in the minutes.

*As Amended  
June 19, 2014  
By-law No. 58-2014*

- 20.13 The Chair shall announce the result of every vote. If all of the Members present when a vote is taken vote unanimously, the Chair shall announce the vote accordingly.
- 20.14 If a Member doubts the result of a vote as announced by the Chair, that Member may object immediately to the Chair's declaration and, upon the affirmative vote of the Majority of the Members present, the vote shall be re-taken.
- 20.15 Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any act.
- 20.16 Notwithstanding Section 20.15, the Chair shall vote to break a tie vote at Council.
- 20.17 In a vote, the number of Members constituting the Council shall be determined by excluding the number of Members who are present at the Meeting but who are disqualified from voting by reason of a declared Pecuniary Interest.

## **21. ENACTMENT OF BY-LAWS**

- 21.1 Every by-law shall receive one (1) reading before being enacted by the Council.
- 21.2 A Motion to amend a by-law shall be introduced after the first reading.
- 21.3 Every by-law enacted by Council shall be signed by the Chair and the Clerk, numbered and sealed with the seal of the Corporation.
- 21.4 No by-law, except a by-law to confirm the proceedings of Council, shall be presented to Council unless its subject matter has been considered and approved by Council.
- 21.5 The proceedings of every meeting of Council shall be confirmed by by-law so that every resolution and decision of Council passed at that meeting shall have the same force and effect as if each and every one of them had been the subject of a separate by-law duly enacted.

## **22. COMMITTEES**

- 22.1 All meetings of Standing Committees shall be held in the Council Chamber or the Committee Rooms at 2201 St. David's Road, Thorold.
- 22.2 Standing Committees shall meet on the days and times according to the schedule set annually and approved by Council.

22.3 Except as otherwise provided for by the Act or any other statute, Committees may, by resolution, dispense with or alter the time, day and place of any meeting.

22.4 A special meeting of a Committee shall be called by the Clerk upon the request of the Committee Co-Chair, Chair or Vice Chair or upon the written request of a majority of the members of that Committee or, in the absence of the Committee Co-Chair, Chair or Vice Chair, upon the request of the Chair.

**22.5 The Co-Chairs of the following Standing Committee shall be aligned to a respective department Commissioner as follows:**

As Amended  
November 6, 2014  
By-law No. 94-2014

**Public Health and Social Services shall have two (2) Co-Chairs – one (1) aligned to the Public Health Department and one (1) aligned to the Community Services Department.**

As Amended  
November 6, 2014  
By-law No. 94-2014

22.6 The **Corporate Services Committee, Planning and Development Committee**, and Public Works Committee shall be chaired by a Chair and Vice-Chair.

22.7 The Co-Chairs/Chair and Vice Chair of each Standing Committee shall be selected by its members.

22.8 The term of the Co-Chairs/Chair and Vice Chair shall be for two (2) years.

As Amended  
December 8, 2011  
By-law No. 124-2011

22.9 **The quorum of all Committees, except for Committee of the Whole and shall be a majority of its members.**

As Amended  
December 8, 2011  
By-law No. 124-2011

22.10 **As soon as there is a quorum after the time set for the Meeting, the Committee Chair or Co-Chair shall call the meeting to order.**

As Amended  
December 8, 2011  
By-law No. 124-2011

22.11 **If a quorum is still not present within thirty (30) minutes after the time set for the Meeting, then the Clerk shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next Meeting.**

As Amended  
December 8, 2011  
By-law No. 124-2011

22.12 **If a quorum is lost during a Meeting and is not regained within fifteen (15) minutes, the Meeting shall stand adjourned until the next Meeting.**

As Amended  
December 8, 2011  
By-law No. 124-2011

22.13 **If proper notice of the meeting has been given and a quorum as set out in Section 22.9 is not in attendance at a Committee meeting and therefore, the meeting stands adjourned due to lack of quorum, any emergent items upon the approval of the Chief Administrative Officer and Committee Chairs or Co-Chairs can be considered directly at the next Council Meeting under Committee Reports.**



22.14 The Rules of Procedure contained in this By-law shall be observed in Committee meetings, with necessary modifications, except that:

- (a) the number of times a Member may speak on any question shall not be limited;
- (b) the length of time a Member may speak on any question shall not be limited;
- (c) written Notices of Motion are not required; and
- (d) Members shall not be required to stand to speak.

22.15 Every staff report shall be referred by the relevant Department Commissioner to the Chief Administrative Officer or designate for his or her review, approval and signature, prior to being included in a Committee agenda.

22.16 The Committee Co-Chairs, Chairs shall have a pre-committee meeting to review the agenda prior to a Standing Committee meeting to ensure the appropriate placement of items on the agenda; to provide appropriate timing for presentations; and to ensure an effective meeting.

22.17 The Clerk shall forward the agenda for every Standing Committee meeting to all Members.

22.18 A Member who is not a member of a Standing Committee may attend the meetings of that Committee.

22.19 With the consent of the Co-Chair, Chair or Vice Chair of the Standing Committee, a Member who is not a member of the Committee may speak and participate at a meeting of the Committee, but such Member has no vote on the Committee.

*As Amended* 22.20  
*December 8, 2011*  
*By-law No. 124-2011*

All agendas for Standing Committee and Committee of the Whole meetings shall include a list of consent items which shall include all **minutes**, reports and correspondence recommended for receipt by staff **and shall be placed after "Items for Consideration" on the Standing Committee agendas.**

22.21 All of the items listed in the consent part of the agenda for any Standing Committee or the Committee of the Whole shall be the subject of one motion and that motion shall be neither debatable or amendable; provided however, that any member may ask for any item(s) included in the consent motion to be separated from that motion whereupon the consent motion without the separated item(s) shall be put, and the separated item(s) shall be considered immediately thereafter.

- 22.22** Reports may only be submitted to one Standing Committee for consideration. In cases where a matter could fall within the jurisdiction of more than one Standing Committee, the decision on where the matter should be considered shall be made by the Chief Administrative Officer, or designate, in consultation with the Departments Heads and the Clerk. A Committee of the Whole meeting may be called by the Chair in cases where the report is considered by the Chief Administrative Officer or designate to require the consideration by more than one Committee.
- 22.23** The Clerk shall make the agenda of every Advisory Committee meeting available in the Clerk's Library for all Members.
- 22.24** Advisory Committees shall consider and report on such matters only as have been referred to them by Council, their respective Standing Committee or such matters as come within their terms of reference.
- 22.25** The minutes of Advisory Committee meetings may be recorded by a secretary designated by the Clerk, by the senior staff member present or by a staff member under the authority of the latter.
- 22.26** The minutes of Advisory Committee meetings shall include sufficient detail where action items are referred to Council (including a list of alternatives considered and costs for any action items) to enable Council to be reasonably conversant with the action required and the deliberations which resulted in the recommendations.
- 22.27** All recommendations and requests of an Advisory Committee shall be directed to its respective Standing Committee.
- 22.28** Every Committee is advisory to Council unless otherwise stated in the terms of reference, by-law or resolution governing the Committee.
- 22.29** No Committee has the power to pledge the credit of the Region, to commit the Region to any particular action or to give specific direction to any staff member, unless specifically granted such power in the terms of reference, by-law or resolution governing such Committee.
- 22.30** All resolutions from the area municipalities requesting endorsement by Regional Council shall be referred to the appropriate standing committee for review and recommendation to Council. Resolutions received from municipalities outside of Niagara Region shall be circulated by the Clerk to Council and if a Member of Council so requests, the Clerk shall refer the resolution to the appropriate Standing Committee for review and recommendation to Council.

**22.31** All resolutions received from municipalities outside of Niagara Region shall be circulated by the Clerk to Council and if a Member of Council so requests, the Clerk shall refer the resolution to the appropriate Standing Committee for review and recommendation to Council.

As Amended 22.32 Statutory Public Meetings:  
April 14, 2011  
By-law No. 49-2011;  
*and Further Amended*  
**May 3, 2012**  
**By-law No. 38-2012**  
*in accordance with the provisions of the Planning Act*

- a) The Integrated Community Planning Committee shall provide for the holding of any and all necessary Statutory Public Meetings in accordance with the provisions of the Planning Act, R.S.O. 1990 c. P.13, as amended from time to time, with respect to Regional Policy Plan Amendments and recommendations to Council on Local Official Plans and General Policy Local Official Plan Amendments.
- b) Statutory Public Meetings will be **held during the regular afternoon agenda** of the Integrated Community Planning Committee, **unless circumstances would necessitate it being scheduled during the evening** where the statutory public meeting will be the only item.

A matter may be scheduled on the regular afternoon agenda of the Integrated Community Planning Committee only in the following circumstances:

- i. The matter is routine and non-controversial (e.g. Housekeeping Amendment);
- ii. The information meeting resulted in no known public issues or controversy;
- iii. Discussion with the Chair/Vice-Chair and Regional Councillors from the particular municipality confirms that an afternoon public meeting is appropriate;
- iv. Notification will be in accordance with the statutory requirements of the Planning Act and good public participation (e.g. written in plain English, achieves the Region's accessibility policy);
- v. The proposed amendment will be available for public review in accordance with the Planning Act;
- vi. The staff report is available for public review prior to the public meeting;
- vii. The Clerk of the Committee shall maintain the record of the public meeting.

As Amended 22.33 ***The presiding Committee Chairs and Co-Chairs shall only vote in the event of a tie or when a recorded vote is requested.***  
December 8, 2011  
By-law No. 124-2011

As Amended 22.34 ***A Co-Chair who is not presiding during the vote shall be required to vote.***  
December 8, 2011  
By-law No. 124-2011

## **23. TEMPORARY VACANCIES**

- 23.1 Except for the Chair, if a Member who is also a member of the council of an Area Municipality is unable to act as a member of either council for a period exceeding one (1) month, the council of the Area Municipality may appoint one of its members as an alternate member of Council to act in place of the Member until the Member is able to resume acting as a member of both councils.
- 23.2 The clerk of the Area Municipality shall certify in writing to the Clerk that the council of the Area Municipality has appointed the named member of that area municipal council to act at Council as an alternate member.
- 23.3 Such alternate member shall not take a seat on Council until he or she takes the declaration of office as required by the Act.
- 23.4 Such alternate member shall be deemed to be a member of Council for the designated meeting(s) and may vote at the meetings provided that the member for whom the alternate is acting remains absent from the meeting.

## **24. POST-ELECTION PROCEDURE**

- 24.1 The inaugural meeting of Council following a regular election shall be held after the councils of the Area Municipalities have held their first meetings but, in any event, not later than 31 days after the term of Council commences.
- 24.2 The inaugural meeting will consist of a morning and afternoon session and shall be called by the Clerk for a date following the inaugural Council meetings of all area municipalities. The morning session shall commence at 10:00 a.m. in the Council Chamber and shall be chaired by the Clerk. The purpose of the morning session shall be for the declarations of office for all Councillors by the Clerk and the election of the Chair. Following the election of the Chair, the meeting shall be adjourned until 4:00 p.m. at which time the meeting will resume and the order of proceedings shall be as follows:
- (a) Call to Order
  - (b) Singing of 'O Canada'
  - (c) Declarations of Oaths of Office to Regional Chair and Councillors
  - (d) Invocation
  - (e) Chair's Inaugural Address

- (f) Resolution to receive Inaugural Address
  - (g) Confirming By-law
- 24.3 No business shall be conducted at the inaugural meeting until after the declarations of office have been made by all Members attending, and the Chair has been elected.
- 24.4 At the inaugural meeting, each person who has been elected to Council is entitled to speak and participate and to have one vote.
- 24.5 The election of the Chair shall be conducted in the following manner:
- (a) The Clerk, acting as Chair, shall call for nominations;
  - (b) Each nomination shall be in writing, regularly moved and seconded, and shall have the written consent of the nominee attached;
  - (c) Prior to the vote being taken, each nominee shall be permitted to speak to his or her nomination for not more than five (5) minutes;
  - (d) The speakers shall be called upon in the alphabetical order of their names;
  - (e) The voting for the election of the Chair shall be conducted by secret ballot as permitted by the Municipal Act;
  - (f) To be elected as Chair, a nominee shall obtain the concurring votes of a majority of the Members present;
  - (g) If there are more than two (2) nominees and if, upon the vote, no nominee receives the majority required for election, the name of the nominee receiving the least number of votes shall be dropped and another vote shall be conducted;
  - (h) If two (2) or more nominees are tied with the least number of votes, a special vote shall be taken to decide which one of such tied nominees' names shall be dropped from the list of names to be voted upon in the next vote; and
  - (i) Such voting shall continue until either:
    - (i) A nominee receives the majority required for election, at which time such nominee shall be declared elected; or
    - (ii) It becomes apparent by reason of an equality of votes that no nominee can be elected.

- 24.6 The principal business of the Council meeting held the week after the inaugural meeting shall consist of:
- (a) The establishment of the size of each Standing Committee of Council;
  - (b) The appointment of Councillors to Standing Committees, Advisory Committees, Agencies, Boards and Commissions; and
  - (c) Appointment of Acting Chair(s) until appointment of Chairs and Co-Chairs of Standing Committees as Acting Chairs.
- 24.7 Prior to the inaugural meeting, each person who has been elected to Council shall submit to the Clerk his or her preferences for the Standing and Advisory Committees of Council (including agencies, boards and commissions) upon which he or she wishes to serve.
- 24.8 If the number of Members wishing to serve on any Standing or Advisory Committee of Council (including agencies, boards and commissions) is greater than the number of positions available, then the selection shall be conducted by open ballot.
- 24.9 Each Member shall serve on at least one (1) Standing Committee.

**25. SHORT TITLE**

- 25.1 The short title of this By-law is “The Procedural By-law”.

**26. REPEAL**

- 26.1 By-law 96-2007 and all amendments thereto are hereby repealed.

*(This space is intentionally left blank.)*

## 27. EFFECT

27.1 This by-law shall become effective on the date of passage.

Approved on this 24<sup>th</sup> day of September, 2010.

*Original Signed By:*

---

Peter Partington, Regional Chair

*Original Signed By:*

---

Kevin Bain, Regional Clerk

Passed: September 24, 2010

### **Amendments**

By-law No. 49-2011  
By-law No. 124-2011  
By-law No. 11-2012  
By-law No. 38-2012  
By-law No. 06-2013 (now repealed)  
By-law No. 109-2013  
By-law No. 130-2013  
By-law No. 133-2013  
By-law No. 01-2014  
By-law No. 46-2014  
By-law No. 58-2014  
By-law No. 94-2014  
By-law No. 55-2015  
By-law No. 65-2015  
By-law No. 2018-31  
By-law No. 2018-80  
By-law No. 2019-03  
By-law No. 2019-16

### **Date**

April 14, 2011  
December 8, 2011  
February 9, 2012  
May 3, 2012  
January 18, 2013  
October 10, 2013  
November 21, 2013  
December 12, 2013  
January 16, 2014  
April 10, 2014  
June 19, 2014  
November 6, 2014  
May 21, 2015  
July 2, 2015  
March 22, 2018  
November 1, 2018  
January 17, 2019  
February 28, 2019

## **APPENDIX “A”**

***As amended by By-law No. 06-2013 (now repealed),  
By-law No. 109-2013, By-law No. 01-2014, and By-law No. 65-2015***

### **CODE OF CONDUCT FOR MEMBERS OF COUNCIL**

#### **Purpose of the Code of Conduct**

The Niagara Region is well respected by the general public, clients, employees, elected officials, suppliers, communities, and governments due to its excellent track record of ethical conduct and high integrity. The purpose of this Code of Conduct is to outline the responsibilities and procedures to be followed.

#### **Scope of the Code of Conduct**

This Code of Conduct applies to every member of Council of Niagara Region. Members of Council are encouraged to discuss any situations of concern or doubt regarding the code with the Regional Chair. The Code of Conduct helps to ensure that the members of Regional Council share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members of Council must operate. These standards should serve to enhance public confidence that Regional Municipality of Niagara’s elected representatives operate from a base of integrity, justice and courtesy.

The Code of Conduct is a general standard that augments the provincial laws and Regional by-laws that govern the conduct. It is not intended to replace personal ethics.

#### **General Principles**

All members of Council shall observe the highest standard of ethical conduct. They are expected to act honestly, independently, impartially, with discretion and without regard to self-interest and to avoid any situation liable to give rise to a conflict of interest. They are expected to be mindful of the importance of their duties and responsibilities, to take into account the public character of their function and to conduct themselves in a way that maintains and promotes the public’s trust in the Regional Municipality of Niagara. All members of Council have a duty to act honestly, in good faith and in best interests of the Regional Municipality of Niagara. All members shall serve their constituents in a conscientious and diligent manner. No member shall use the influence of office for any purpose other than the exercise of his or her official duties.

#### **Foster Respect for Decision-making Process**

All Members of Council shall accurately communicate the decisions of Council, even if they disagree with Council’s decision, such that respect for the decision-making processes of Council is fostered.



## **Release of Confidential Information Prohibited**

Members of Council have a duty to hold in strict confidence all information concerning matters dealt with at meetings closed to the public. A Member of Council shall not, either directly or indirectly, release, make public or in any way divulge any such information or any aspect of the meeting closed to the public deliberations to anyone, unless expressly authorized by Council or required by law to do so.

Members of Council shall not release information in contravention of the provisions of the Municipal Freedom of Information and Protection of Privacy Act and shall comply with the provisions of the Information Access and Privacy Protection Policy for Niagara Region.

Members of Council shall not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law to do so.

Members of Council shall not misuse confidential information (information that they may have knowledge of by virtue of their position as Councillor that is not in the public domain, including e-mails and correspondence from other Members of Council or third parties) such that it may cause detriment to the Corporation, Council or others, or benefit or detriment to themselves or others.

## **Avoiding Conflict of Interest and Unethical Behaviour**

Members of Council of Niagara Region shall avoid conflict of interest or unethical behaviour. This policy will assist members of Council to identify and handle potential conflicts of interest and provide a useful reference guide to help to ensure consistency in dealing with situations. It is intended to supplement other professional codes in use.

## **Compliance with the *Municipal Conflict of Interest Act and Avoidance of Conflicts***

The Members of Council shall fully comply with the provisions of the *Municipal Conflict of Interest Act*. This Act outlines the procedure to be followed if a party wishes to pursue an alleged contravention of the *Municipal Conflict of Interest Act*. Members of Council shall also avoid conflict of interest or unethical behaviour in the following situations (note conflicts are not limited to the following):

Members of Council shall not use their position within the Region to gain any particular interest personal or family advantage or benefit in utilizing any service provided by the Region or in conducting any business on behalf of the Region.

- (i) Members of Council shall not be involved as an official of the Region in judging, inspecting or making a decision on any matter in which they have a personal or family interest. Any Member of Council involved shall immediately declare a conflict of interest as soon as such conflict is identified.

## **Respect, Truth, Honesty and Integrity**

1. Members of Council shall respect the values of truth, honesty and integrity in all Niagara Region matters, issues and activities.
2. Members of Council shall not impose their personal, moral or religious standards on others as every person is an individual with specific rights, values, beliefs and personality traits to be respected at all times.
3. Members of Council shall respect the right to confidentiality and privacy of all clients, volunteers and employees and be aware of their responsibilities under relevant legislation, corporate and departmental policies, ethical standards and where appropriate, professional standards. No discussion regarding clients, volunteers or employees will be conducted other than with authorized persons in accordance with corporate and department policy.

## **Pursuit of Excellence**

1. Members of Council shall act in the best interest of the community, in a responsible manner, and be held accountable for their actions.
2. Members of Council shall strive to achieve the highest standards of competence.
3. Members of Council shall be cognizant of their position within the Region and the trust and influence that can be afforded these positions by clients and community agencies. Employees shall ensure that they are operating in a manner that does not violate trust relationships or abuse the power of the position.

## **Gifts and Benefits**

Members shall not accept fees, gifts, hospitality or personal benefits that are connected directly or indirectly with the performance of duties as Regional Councillors, except compensation authorized by law.

This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of office.

No Member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to Regional services not otherwise available to the general public and not consequent to his or her official duties.

## **Conduct**

***Amended January 16, 2014 by By-law No. 01-2014***

As representatives of the Region, every member of Council has the duty and responsibility to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation and to ensure that the municipal work environment is free from discrimination and harassment. A member shall not use indecent, abusive, or insulting words or expressions toward any other member, any member of staff or any member of the public. A member shall not speak in a manner that is discriminatory to any individual based on the person's race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status or disability. ***Members shall be encouraged to disable the audible signals on their cell phones during any Committee or Regional Council meetings.***

## **Influence on Staff**

Under the direction of the Chief Administrative Officer, Regional staff serve Council as a whole. Without a specific delegation from Council, no individual member of Council has executive authority over municipal staff. Members of Council shall be respectful of the fact that staff work for the Region as a body corporate and are charged with making recommendations to Council that reflect their professional expertise and a corporate perspective without undue influence from any member or group of members. Members of Council shall not maliciously or falsely injure the professional or ethical reputation of staff.

## **Complaint Procedure**

***Amended July 2, 2015 by By-law No. 65-2015***

***The procedure for filing complaints alleging that a member of Council has contravened the Code shall be governed by the policies of Council as amended from time to time.***

## APPENDIX "B" MOTIONS TABLE

MOTION	P R I O R I T Y *	Debatable		Amendable	Non-Amendable	Always in order except When a Member is speaking, Members are voting or when made in a Committee of the Whole	NOTES
		Debatable	Non-Debatable				
Adjourn (Section 19.9)	4		X		X	X • shall not include qualifications or additional statements	• When decided in the negative, no further motion to adjourn shall be made until Council has conducted further proceedings.
Amend (Section 19.10)	7	X		X • Not more than once • Additional amendments are to be to the main motion			• Shall be relevant to the main motion • Shall not be in direct opposition to the main motion. • Shall be voted on in the following order: o a motion to amend a motion to amend the main motion; o a motion (as amended or not) to amend the main Motion; and o the main Motion (as amended or not).
Decide an appeal on a point of order, practice or procedure (Section 17.4)	6		X				• Member shall state the grounds for the appeal and such appeal must be decided, without debate, • Requires a Majority vote.
Defer (Section 19.13)	3		X		X	X	• Shall specify a date when the matter will again be considered by Council.
Extend Curfew (Section 19.12)			X		X	X	• Requires a Majority vote.
Recess (Section 19.17)			X	X Only as to the length of the recess			• Requires a Majority vote.
Call the question (Section 19.15)	1		X		X	can be made only by a Member who is recognized by the Chair as the next speaker wishing to speak to the motion	• cannot be proposed when there is an amending motion under consideration, except for the purpose of moving that the amending motion be put; when resolved in the affirmative, requires that the question (motion, amending motion or motion as amended, whichever is under consideration) be put forward immediately without debate or amendment; is not a point of order. • Requires a Majority vote.
Refer (Section 19.11)	2		X	X Only with respect to the committee or other body to which the matter and instructions are being referred			• Shall take precedence over all amendments or debate of the original motion until it is decided. • Shall specify the Committee or other body to whom the matter is being referred and may contain instructions from Council. • May only be moved by a Member who has not yet spoken on the matter (except to give the reasons for the motion to refer) unless every Member who wishes to speak on the matter has had an opportunity to do so.
Rise without report (Section 19.14)		X					• Always in order and takes precedence over any other motion
Rise with report (Section 19.14)			X				
Suspend these rules (Section 2.4)	5						• affirmative vote of two-thirds of the Members present.

\* Any motion that is not given a priority is of equal priority among themselves, following those with ranking.

**APPENDIX "C"  
COUNCIL / COMMITTEE DIFFERENCES**

<b>ISSUE</b>	<b>IN COUNCIL</b>	<b>IN COMMITTEE</b>	<b>IN COMMITTEE OF THE WHOLE</b>
Motions - Making	Motions must be in writing, unless Regional Council, dispense with notice on the affirmative vote of at least two-thirds of the members present	Motions may be in writing or oral	Same as "in Committee"
Quorum	A majority of Members representing at least one-half of the Area Municipalities is necessary to form a quorum.	The quorum of all Committees, except for Committee of the Whole, shall be a majority of its members.	A majority of Members representing at least one-half of the Area Municipalities is necessary to form a quorum.
Recorded vote - the vote shall commence with the Member requesting the recorded vote and voting shall continue in a counter clockwise rotation	Allowed	Allowed	Allowed
Member speaking - length of time	No Member may speak to the same question or in reply for any longer than ten (10) minutes including questions to staff, without leave of the Council.	No limitation	No Member may speak to the same question or in reply for any longer than ten (10) minutes including questions to staff, without leave of the Committee of the Whole.
Member speaking - number of times	Once, per issue unless permitted by Council by concurring votes of majority	No limitation	No limitation
Member speaking - manner	If able, may stand	May be seated	May be seated