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OFFICE CONSOLIDATION

Last amended by By-law No. 2020-071, October 5, 2020



CITY OF WATERLOO NO. 2019-057 PROCEDURE BY-LAW

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THE CORPORATION OF THE CITY OF WATERLOO

BY-LAW NO. 2019 – 057

A BY-LAW TO GOVERN THE CALLING, PLACE AND PROCEEDINGS OF MEETINGS OF THE COUNCIL AND ITS COMMITTEES

WHEREAS pursuant to the *Municipal Act, 2001*, S.O.2001, c.25, Section 238, as amended, every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WATERLOO ENACTS AS FOLLOWS:

A. DEFINITIONS

1. DEFINITIONS

In this by-law:

Act:	means the <i>Municipal Act, 2001</i> , S.O. 2001, c.25, as amended;
Advisory Committee:	means any Committee created by Council as outlined in the City of Waterloo Committee Policy;
Agenda Packet:	means a packet of documents including the agenda and any supplemental documents referenced therein;
CAO:	means the Chief Administrative Officer of the City of Waterloo, or their designate;
Chair:	means the presiding officer at any Council meeting;
Clerk:	means the City Clerk for the City of Waterloo, or their designate;
Council:	means the Council of the City of Waterloo;
Council Meeting:	means any regular, special, or other meeting of Council, as defined in the Act;

Electronic Meeting: means a meeting called and held in full or in part via electronic means (including audio telephone conference, video teleconference, or via means of the internet or another format chosen by the Clerk) and with or without in person attendance.

[Definition added by By-law 2020-071, October 5, 2020]

Electronic Participation: Electronic Participation: meetings deliberating, commenting, and/or voting on an issue before Council, during the meeting, by a participant via electronic means (including audio telephone conference, video conference, or via means of internet or another format chosen by the Clerk).

[Definition amended by By-law 2020-071, October 5, 2020]

Emergency: means an emergency as defined by the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as amended;

Finance Liaison: means the member of Council designated by by-law as the liaison to staff on matters of finance;

Head of Council: means the Mayor or Acting Mayor of the City of Waterloo;

[Definition added by By-law 2020-018, March 25, 2020]

Inaugural Meeting: means the first meeting of Council in any Council term, as defined by the *Municipal Elections Act*, 1996, S.O. 1996, c. 32, as amended;

Majority Vote: means a number of affirmative votes by members of Council greater than half of the number of members present and voting;

Motion: means a proposal by a member, which, if duly seconded and, having received a majority of votes by present members, will deal with a matter before Council;

Notice of Motion: means advance, written notice, given by a member and received by the Clerk, advising Council that a motion will be brought forward at a future meeting of Council;

Notice Policy: means the corporate policy established by the City of Waterloo that outlines the circumstances in which the municipality shall provide notice to the public and any other legislated notice requirement;

Pecuniary Interest: means a direct or indirect pecuniary interest in a matter before Council, as determined by the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended;

Public Meeting: means a meeting held under the provisions of the *Planning Act*, R.S.O. 1990, c. P.13, as amended or as required by any other legislation.

Quorum: means the required number of members present in order for a meeting of Council to convene, according to the Act;

B. COUNCIL

2. COUNCIL MEETINGS

- 2.01 The Inaugural Meeting of the Council shall be held on the first Monday of the Council term, at a time to be fixed by the Clerk, except when the day is a statutory holiday, in which case the meeting shall be held on the next following Monday that is not a statutory holiday.
- 2.02 The Clerk shall act as Chair for the Inaugural Meeting of Council, until the Mayor has been sworn in, at which point the Mayor shall become the Chair for the remainder of the meeting.
- 2.03 In the last quarter of each year, Council shall approve an annual schedule of meetings for the following year, based on but not confined to a cycle of three regular Council meetings in every calendar month.
- 2.04 Meetings of Council shall be held in the Council Chambers at 100 Regina Street South, Waterloo, Ontario at a time determined by the Clerk or shall be held as an Electronic Meeting if determined by the Clerk that is necessary.

[Section 2.04 deleted and replaced with 2.04 By-law 2020-071 October 5, 2020]

- 2.05 Council may by resolution alter the date, time, and place of any meeting.
- 2.06 The Mayor may at any time summon a special meeting, or upon receipt of a petition of the majority of the members of the Council, the Clerk shall summon a special meeting for the purpose and at the time and place mentioned in the petition.
- 2.07 The unfinished business of an agenda of a Council meeting, adjourned before completion of all items on the agenda, shall be placed before Council at the next regular meeting, unless a special Council meeting is called for that purpose before the next regular meeting.
- 2.08 The Clerk, in consultation with the Mayor, may cancel any regular Council meeting by providing notice to all members of Council and posting notice of the cancellation to the City website.
- 2.09 Any Council member who intends to be absent from a meeting of Council shall inform the Clerk no later than the end of the business day prior to the Council meeting, where possible.
- 2.10 The following staff are required to be present at every Council meeting:
- i) the Clerk;
 - ii) the CAO;
 - iii) any other staff member required to regularly attend Council meetings, as designated by the CAO.

- 2.11 Except as provided for in the Closed Meetings Section, all meetings of Council shall be open to the public and no person may be excluded from this meeting except for a breach of this by-law, a corporate policy, or an applicable statute.
- 2.12 The use of electronic devices for communication and/or recording is permitted during a meeting, except where, in the view of the Chair, such use is disruptive due to excessive noise or other distractions.
- 2.13 The City of Waterloo may record or broadcast any open meeting of Council and may provide public access to any such recordings or broadcasts.
- 2.14 All persons attending a Council meeting shall observe the rules of Council with respect to decorum and conduct.

3. PRESIDING OFFICERS/ACTING MAYOR

- 3.01 In the last quarter of each year, Council shall enact a by-law appointing those members that shall serve as Chair for the regular Council meetings for the following year.
- 3.02 The Chair of any regular Council meeting shall be determined in the following manner, subject to the consent of the Mayor:
 - i) for the first regular meeting in a month, the position of Chair shall rotate between members of Council, by ward, except the Mayor and Finance Liaison, in an order beginning with Ward One at the start of the council term, unless the Chair of a meeting is absent, in which case the Mayor shall act as Chair;
 - ii) for the second regular meeting in a month, the Chair shall be the Finance Liaison, unless the Finance Liaison is absent, in which case the Mayor shall act as Chair;
 - iii) for the third regular meeting in a month, the Mayor shall act as Chair.
 - iv) Electronic Meetings shall be chaired by the Mayor or Acting Mayor or another member of Council as approved in the by-law appointing Chair of meetings.

[Section 3.02 (iv) added by By-law 2020-071, October 5, 2020]

- 3.03 In any month where there is only one regular Council meeting, the Mayor shall act as Chair for that meeting.
- 3.04 At special meetings of Council, the Mayor shall act as Chair for the meeting.
- 3.05 In the absence of the Mayor, the member of Council designated as Acting Mayor for that date shall assume the powers and responsibilities of the Mayor for the duration of the meeting.

- 3.06 The appointment of the Office of Acting Mayor shall be as set by by-law. The order of rotation for the Acting Mayor may be changed by resolution of Council.
- 3.07 When both the Mayor and Acting Mayor are absent, then the next member of Council present in the approved order of rotation for the office of Acting Mayor shall act as Chair.
- 3.08 Notwithstanding clauses 3.01, 3.02, and 3.03, Council may determine the Chair for any or all meetings by way of a resolution, subject to the consent of the Mayor.
- 3.09 Notwithstanding any other provisions of this by-law, the Mayor may assume the Chair for any Council meeting by providing written notice to the Clerk before the meeting.
- 3.10 After the hour fixed for a Council meeting and as soon as a quorum is present, the Chair shall call the meeting to order.
- 3.11 Notwithstanding any other provisions of this By-law, including Section 3.09, in the event that the Council member who would act as Chair pursuant to this By-law is present by Electronic Participation, such member shall be deemed to be absent for the purposes of determining the Chair of the meeting.

[Section 3.11 added by By-law 2020-015, March 18, 2020]

4. SEATING OF MEMBERS OF COUNCIL

- 4.01 For the duration of the term of office of the Council, seating at the Council table shall be in an order determined by the Mayor. The Mayor shall occupy the seat of the Chair, unless another member has been designated Chair, in which case the Mayor shall occupy the seat vacated by the designated member.
- 4.02 Council may establish alternate seating arrangements by way of a resolution.

5. QUORUM

- 5.01 More than half of the members of Council are necessary to form a quorum for all Council meetings.
- 5.02 If no quorum is present within twenty minutes after the time appointed for any meeting, the Clerk shall record the names of the Council members present and the Council meeting shall stand adjourned until the date and time of the next regular or special meeting.
- 5.03 If a quorum is lost during a Council meeting, it shall stand adjourned and the Clerk shall record the names of the remaining members.
- 5.04 Should a member declare a pecuniary interest on a matter considered in a meeting, quorum for the meeting shall be subject to the provisions of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended.

- 5.05 The unfinished business of an agenda of a Council meeting adjourned due to lack of a quorum shall be placed before Council at the next regular meeting, unless a special Council meeting is called for that purpose before the next regular meeting.
- 5.06 Electronic participation of Council members is permitted subject to the calling of an Electronic Meeting by the Clerk.

[Section 5.06 amended by By-law 2020-015, March 18, 2020, Section 5.06 deleted and replaced with 5.06 By-law 2020-018 March 25, 2020]

[Section 5.06 deleted and replaced with 5.06 By-law 2020-071 October 5, 2020]

6. ORDER OF PROCEDURE

6.01 Immediately after the Chair has called the meeting to order, the order of procedure for regular Council meetings shall be:

1. Territorial Acknowledgement
2. Moment of Reflection
3. Disclosure of Pecuniary Interest and the General Nature Thereof
4. Approval of Council Minutes
5. Delegations
6. Consent Motion
7. Items Removed from the Consent Motion
8. Staff Reports
9. Public Meetings
10. Consideration of Notice of Motion Given at Previous Meeting
11. Notice of Motion
12. Communications and Correspondence
13. Unfinished Business
14. Questions
15. New Business
16. Enactment of By-Laws
17. Adjournment

6.02 Notwithstanding clause 6.01, delegations by staff, outside organizations, and the public may address Council at the time the subject matter is under consideration during the meeting.

6.03 The Clerk, in consultation with the Mayor, may change the meeting order.

6.04 The order of procedure for special Council meetings shall be determined by the Clerk, but shall include any items specified by the member or members who called the meeting.

7. INTRODUCTION AND ENACTMENT OF BY-LAWS

7.01 By-laws may be introduced for first, second, third readings, and final passage by a single motion, unless separate readings are required to accommodate legislative requirements.

7.02 At the request of any member, a by-law may be removed from the single motion and voted on separately.

7.03 Each motion shall contain a description and the purpose of each by-law contained therein.

7.04 When by-laws are to be considered by Council, any member of Council may request that the purpose and effect of any particular by-law be explained.

7.05 Copies of all by-laws being considered at the meeting shall be brought to the meeting and shall be available to be examined by any member who so requests.

7.06 The actions of all meetings of Council shall be confirmed in a confirming by-law, and this by-law having been passed, all such actions shall have the force and effect as if they had been enacted as separate by-laws.

7.07 All by-laws shall:

- i) be signed by the Clerk or their designate;
- ii) be signed by the Mayor or the Acting Mayor;
- iii) be stamped by the seal of the City of Waterloo;
- iv) have noted therein the date of the passage of the by-law.

7.08 The Clerk may make the following changes to by-laws and resolutions after they are passed:

- i) correct spelling, punctuation, capitalization, and other clerical and typographical errors;
- ii) correct errors in the numbering of provisions or other portions of a by-law and change cross-references to accord with the updated numbering;

7.09 The Clerk may not make any change that would alter the substance or effect of the by-law or resolution.

8. ADVISORY COMMITTEES

8.01 All Advisory Committees shall follow the rules of Council and the Committee Policy unless otherwise stated in their terms of reference approved by Council. Members of Committees assume the role of member of Council under this by-law.

C. GENERAL PROVISIONS

9. NOTICE OF MEETINGS

9.01 In each calendar year, the Clerk shall prepare a schedule of all regular meetings of Council for the following year. This schedule, once approved by Council according to clause 2.03 of this by-law, shall comprise the official schedule of regular meetings for the following calendar year.

9.02 Members of Council shall be notified of Council meetings, reschedulings, and cancellations by delivery to the City email address or City office of any member:

- i) of an agenda and agenda packet not less than seven days in advance of the meeting , or in the case of a special Council meeting, not less than 48 hours in advance of the meeting, during regular business hours;
- ii) of written notice of any cancellation or rescheduling no more than 24 hours after the change has been made.

- 9.03 The public shall be notified of Council, reschedulings, and cancellations by means of:
- i) posting of the approved schedule of regular meetings to the City website before the beginning of the year in which the meetings are held;
 - ii) in the case of a cancellation or rescheduling, posting of revised Council dates to the City website no more than 24 hours after the change has been made;
 - iii) posting of an agenda and agenda packet for a meeting to the City website not less than seven days in advance of the meeting, or in the case of a special Council meeting, not less than 48 hours before the meeting.
- 9.04 Notice for any meeting shall indicate the date, time, and place of the meeting, as well as contact information for the Clerk.
- 9.05 The Clerk, in consultation with the Mayor, shall determine which items are to be included on the agenda for any given meeting.
- 9.06 The Clerk may amend the agenda prior to the meeting by notifying the Mayor and distributing copies of the amended agenda and any additional supporting material to the members and the public at the earliest opportunity.
- 9.07 At the second regular meeting of Council in a month, no items shall be included in the agenda unless they pertain to City finances, governance matters, or matters of strategic planning, unless the Clerk deems the item to be of sufficient urgency or importance, if the item is to be included on a consent motion or if the Council meeting schedule is not following a three meeting per month format

[Section 9.07 deleted and replaced with 9.07 By-law 2020-071 October 5, 2020]

- 9.08 The lack of receipt of the notice of a Council meeting by any member of Council, or the lack of public notice as set out in this by-law, shall not invalidate the meeting.
- 9.09 Notice requirements of this by-law shall be considered minimum standards and the Clerk may provide extended notice, should they deem it reasonable.
- 9.10 Notice requirements in this by-law are subject to the provisions of any by-law of the City of Waterloo or any laws of the Province of Ontario.
- 9.11 All other provisions of this by-law notwithstanding, if the Mayor has declared an emergency, a special Council meeting may be called by the Mayor in order to consider only such matters that are related to the emergency.
- 9.12 For meetings called under clause 9.11, notice shall be provided to members and the public in a time and manner that the Mayor or the Clerk considers most expedient and no meeting shall be held until, in the judgment of the Mayor or the Clerk, there has been a sufficient effort to notify all members of Council and the public.

10. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

- 10.01 Any member with a pecuniary interest in a matter that will be considered by Council shall disclose it before the item is considered, according to the provisions of the *Municipal Conflict of Interest Act*, R.S.O 1990, c. M.50, as amended.
- 10.02 All disclosures of pecuniary interest shall be declared at the meeting at which they are to be considered, under “Disclosures of Pecuniary Interest and the General Nature Thereof”, or at the earliest opportunity thereafter, should the member be unaware of a pecuniary interest or be absent from the meeting.
- 10.03 A written statement of the interest and its general nature shall be filed with the Clerk at the meeting in which the disclosure is made, or as soon as possible afterwards.
- 10.04 The Clerk shall maintain a registry of all written statements filed and all declarations made at the meeting.
- 10.05 The Registry shall be available to the public for inspection in electronic form at the Office of the City Clerk during hours in which the office is open to the public. Photocopies may be made available subject to a photocopying fee as stated in the City of Waterloo Fees and Charges by-law.
- 10.06 Disclosures of pecuniary interest and written statements of interest shall state:
- i) the matter to which it relates;
 - ii) and the general nature of the pecuniary interest.
- 10.07 Disclosures of pecuniary interest in relation to matters considered in closed meetings shall also be declared at the next open meeting and shall state the nature of the matter as it is listed on the agenda for the open meeting, but shall not provide the general nature of the interest.
- 10.08 Any member with a pecuniary interest shall leave the meeting and meeting room for the entire time that the item is considered by Council, including all presentations and any debate on the motion.

11. MINUTES

- 11.01 The Clerk shall provide secretarial service to the Council and shall keep minutes of the proceedings by recording:
- i) the place, date and time of the meeting;
 - ii) the names of members present;
 - iii) the names of members absent;
 - iv) the time in the meeting at which a member arrives and leaves during the proceedings of the meeting;
 - v) the correction of the minutes of prior meetings;
 - vi) all declarations of pecuniary interest;
 - vii) all points of order, questions of privilege, and rulings by the Chair;
 - viii) all other proceedings without note or comment;

- 11.02 A copy of the draft minutes of each meeting of Council that are to be approved at the next regular meeting shall be delivered to each member of Council prior to the meeting at which they are to be approved.
- 11.03 The draft minutes of a Council meeting must be approved by the fourth Monday following the meeting at which they were taken, except if no regular Council meeting is scheduled on such a date, in which case they must be approved at the next available regular Council meeting after that date.
- 11.04 When the minutes have been considered for errors and omissions, they shall be approved by Council and signed by the Chair and the Clerk.

12. DELEGATIONS

- 12.01 No person, except members of Council and members of staff are allowed to come within the Council platform during the meeting of Council or unmute their microphone if participating electronically without the permission of the Chair.

[Section 12.01 deleted and replaced with 12.01 By-law 2020-071 October 5, 2020]

- 12.02 Any person who wishes to appear as a delegation before Council shall register with the Clerk's Office using a delegation form and must provide the following information:
- i) names of all presenters including telephone and/or email contact information if participating electronically;
 - ii) item on the agenda;
 - iii) any requests being made of Council or recommendations being made to Council;
 - iv) if addressing Council as a private individual, their municipality of residence;
 - v) if addressing Council as a representative of an organization, the name of the organization they are representing and titles of the presenters;
 - vi) if addressing Council on behalf of another party as a consultant, spokesperson, legal representative, or other such relationship, the individual or organization they are representing.

[Section 12.02 (i) deleted and replaced with 12.02 (i) By-law 2020-071 October 5, 2020]

- 12.03 Notwithstanding 12.02, persons wishing to speak at a public meeting held under the provisions of provincial legislation, such as the *Planning Act*, R.S.O. 1990, c. P.13, as amended, shall not be required to register in advance, but shall provide such information when addressing Council as is specified in the Public Meetings Section.

12.04 If a delegation is registered before 10:00 a.m. on Friday preceding the meeting, they shall be permitted to address Council for a maximum of ten minutes, otherwise they shall be permitted to address Council for a maximum of five minutes.

12.05 Delegations may only register to speak to the following agenda items:

- i) staff reports;
- ii) informal and formal public meetings;
- iii) consideration of notice of motion provided by members of Council.

12.06 The Chair shall keep account of the time expended by delegations and at the completion of the allotted time shall advise the individual to cease, subject to a motion of Council allowing the delegation to continue.

12.07 The Chair may curtail a delegation for contravention of this by-law and, upon making this decision, the persons appearing before Council shall leave the podium immediately or be muted if participating electronically.

[Section 12.07 deleted and replaced with 12.07 By-law 2020-071 October 5, 2020]

12.08 Council may limit or extend the time allowed for a delegation or presentation by a majority vote.

12.09 Upon the completion of the comments made by a delegation, members of Council may address questions to the delegation with respect to the subject matter but which the delegation is not under any obligation to answer.

12.10 After all members of Council have finished asking questions of the delegation, the delegation shall be seated or have their microphone muted if participating electronically and members of Council may introduce motions to deal with matters raised by the delegation.

[Section 12.10 deleted and replaced with 12.10 By-law 2020-071 October 5, 2020]

12.11 All delegations who have registered to address Council on an agenda item shall be placed on the agenda and heard prior to members considering the matter.

12.12 If the delegation should wish to use written materials, multimedia, a presentation, or any other additional materials, these must be provided to the Clerk's office according to such deadlines and conditions as the Clerk deems necessary.

[Section 12.12 deleted and replaced with 12.12 By-law 2020-071 October 5, 2020]

12.13 Any person requesting to appear before Council on a matter not on an agenda shall register with the Clerk's office using a delegation form and must provide the information required under clause 12.02, save that a description of the subject matter of the delegation must be provided in place of the agenda item.

12.14 The Clerk shall acknowledge receipt of the request and place the matter on an appropriate Council agenda or if the item is not listed for consideration within the next three months, they shall be placed on a future agenda to be determined by the Clerk.

12.15 No delegation shall appear before Council on a matter that is not on the agenda if the matter is one which:

- i) is eligible for resolution under any process for formal complaints or appeals, or for requesting compensation, where such processes have been established by the City of Waterloo, unless and until all municipal proceedings of such a process have been completed;
- ii) is related to an employment matter;
- iii) is undergoing court process or litigation to which the delegation is a party to the proceeding;
- iv) has already been the subject of consideration by Council, if a decision on the matter by Council was reached within six months or if the delegation has attended Council on the same matter within three months.

12.16 Notwithstanding clause 12.15, Council may elect to allow a delegate to speak on any matter by majority vote.

13. RULES OF CONDUCT – STAFF AND MEMBERS OF THE PUBLIC

13.01 Staff and members of the public attending a meeting or acting as a delegation before Council shall maintain order and quiet and shall:

- i) seek recognition from the Chair before addressing Council;
- ii) not interrupt any speech or action of the members of Council or any other person addressing Council;
- iii) not speak to Council on any matter except that which they stated when registered or a matter that is currently under consideration by Council;
- iv) not speak disrespectfully of the reigning sovereign or of any member of the Royal Family or of the Governor-General, Lieutenant-Governor or person administering the Government, or member of staff, or against this Council, or any member thereof;
- v) not use offensive language or language which is discriminatory in nature based on an individual's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability, or any other protected grounds for services under the *Human Rights Code*, R.S.O 1990, c. H.19, as amended.
- vi) not display or have in their possession picket signs or placards or any other visual identifier of support or opposition to a matter before Council in the Council Chambers or meeting rooms or within any municipally-owned building used for such purposes;
- vii) not bring any electronic device capable of emitting sound into the Council chambers unless it has been turned off or set to a silent mode;

- viii) not applaud, cheer, or otherwise demonstrate support or opposition to matters before Council;
 - ix) not disobey a decision of the Chair or encourage others to do so;
 - x) not otherwise disrupt the proceedings of Council.
- 13.02 The Chair may expel or exclude from any meeting any person for improper conduct at the meeting.
- 13.03 If a meeting cannot be called to order due to improper conduct by members of the public, the Chair may immediately recess the meeting without need for a vote and the meeting shall reconvene when order is restored.

14. RULES OF CONDUCT AND DEBATE – MEMBERS OF COUNCIL

- 14.01 Any member desiring to speak, and upon being recognized by the Chair, shall address themselves to the Chair.
- 14.02 When two or more members wish to speak, the Chair shall recognize them in order.
- 14.03 When a member is recognized by the Chair, they shall address themselves to the matter under discussion and shall be limited to speaking for a maximum of five minutes.
- 14.04 Any member is permitted to ask questions of staff, or the Chair, provided they do not interrupt another member while speaking.
- 14.05 The Chair may state their position on any matter prior to the vote being called without leaving the Chair, but shall not debate the motion without first leaving the Chair after appointing the Mayor or Acting Mayor to preside in their place and shall not resume the Chair until the matter under discussion has been decided.
- 14.06 Any member may require the motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.
- 14.07 No member shall:
- i) speak disrespectfully of the reigning sovereign or of any member of the Royal Family or of the Governor-General, Lieutenant-Governor or person administering the Government, or member of staff, or against this Council, or any member thereof;
 - ii) use offensive words or gestures, or unparliamentary language;
 - iii) use language which is discriminatory in nature based on an individual's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability, or any other protected grounds for services under the *Human Rights Code*, R.S.O 1990, c. H.19, as amended.

- iv) resist the rules of the Council, nor disobey the decision of the Council or the Chair on motions of order or practice or upon the interpretation of the rules of the Council;
- v) address a member without use of the appropriate title;
- vi) leave their seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
- vii) make any noise or disturbance or interrupt when another member of Council is speaking, except to raise a Point of Order or Question of Privilege;
- viii) speak on any subject other than the subject under debate;
- ix) question delegates or staff in a manner which is hostile, harassing, otherwise inappropriate, or in contravention of the Code of Conduct for Members of Council;
- x) engage in debate with any persons other than members of Council;
- xi) attribute motives to a member of Council, member of staff, or delegation;
- xii) where a matter has been discussed in a closed session and, where the matter remains confidential, disclose the content of the matter of the substance of deliberations of the closed meeting;
- xiii) reflect upon any prior decision of the Council except for the purpose of moving that such vote be rescinded or reconsidered, pursuant to the provisions of the Reconsideration Section.

14.08 Should a member persist in breaching the rules of conduct and debate, having previously been ruled out of order by the chair, the Chair may order that the member vacate their seat or remain muted and not participate if participating electronically for the remainder of the Meeting. Should the member refuse to vacate their seat or cease participating if attending electronically, the Chair shall recess the meeting without further need for a vote and the member shall be expelled from the meeting.

[Section 14.08 deleted and replaced with 14.08 By-law 2020-071 October 5, 2020]

14.09 If the Chair has ordered a member to vacate their seat or leave the electronic meeting, the member shall be provided with an opportunity to offer an apology to Council and commit to abiding by the provisions of this by-law. At this point, the chair may withdraw their order, or by majority vote of Council, the member may be permitted to resume their seat or remain in the electronic meeting.

[Section 14.09 deleted and replaced with 14.09 By-law 2020-071 October 5, 2020]

15. VOTING

- 15.01 Every member, except the Chair, present at a meeting when a motion is put shall vote thereon unless the member indicated a pecuniary interest pursuant to the *Municipal Conflict of Interest Act*, R.S.O 1990, c. M.50, as amended. If any member present and required to vote declines to do so, they shall be deemed to be voting in the negative.
- 15.02 The Chair may vote on any motion, except for votes to sustain rulings of the Chair in Points of Order or Questions of Privilege.
- 15.03 Should the Chair not vote on a motion, they shall not be deemed to have voted in the negative and shall not be counted for purposes of determining the threshold for a majority vote.
- 15.04 Notwithstanding clause 15.03, the Chair shall vote on all motions on which a recorded vote has been requested and, if they do not vote, shall be deemed to have voted in the negative.
- 15.05 Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act.
- 15.06 After members have voted, the Chair shall declare the result of the vote and the Clerk shall record whether the motion carried or failed.
- 15.07 In any case where a vote is not unanimous, the Chair shall declare the members voting in opposition and the Clerk shall record their names in the minutes.
- 15.08 If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce their vote openly and the Clerk shall record each vote. All votes shall be a recorded vote in an electronic meeting.

[Section 15.08 deleted and replaced with 15.08 By-law 2020-071 October 5, 2020]

- 15.09 In all meetings the Clerk shall read the results of any recorded votes aloud immediately after the taking of the vote.
- 15.10 Where a motion has more than one recommendation, at the request of a member, the recommendations shall be voted on separately.
- 15.11 After any motion is finally put by the Chair, no member shall speak to the motion nor shall any other motion be made until after the result of the vote has been declared.
- 15.12 Any member who disagrees with the announcement of the Chair that a motion is carried or lost may, but only immediately after the declaration by the Chair, appeal the declaration and request that a recorded vote be taken, subject to the next order of business not being introduced.

15.13 For the purpose of calculating a vote of two-thirds of the members present, the number of affirmative votes must equal or exceed two-thirds of the number of members present and voting.

16. RECONSIDERATION

- 16.01 Any member who voted in the majority may at a subsequent meeting move for a reconsideration of a resolution under “New Business”.
- 16.02 A member, who is absent at the time a vote is taken on a motion, shall be deemed for the purpose of reconsideration to have voted with the majority.
- 16.03 A motion for reconsideration may be seconded by any member who voted on the original motion.
- 16.04 No discussion of the main motion shall be allowed unless the motion for reconsideration is approved by a vote of two-thirds of the members present.
- 16.05 No motion shall be reconsidered more than once in any Council term, nor shall a vote to reconsider be reconsidered within the same Council term.
- 16.06 No motion to reconsider a decided matter of Council shall be in order when the original motion has been implemented resulting in a legally binding commitment that is in place on the date that a motion to reconsider is to be debated.
- 16.07 A motion to reconsider an amendment to the main motion shall not be in order, however, the main motion as amended may be submitted for reconsideration subject to the provisions of this section.
- 16.08 If a motion to reconsider is decided in the affirmative, such reconsideration of the original motion shall become the next order of business, unless the motion calls for a future definite date, and debate on the motion to be reconsidered may proceed as though it had never previously been voted on.
- 16.09 Debate on a motion for reconsideration must be confined to reasons for or against the reconsideration.
- 16.10 When a by-law has been defeated at any stage of the order of procedure, any member may introduce a motion to reconsider at a subsequent meeting, subject to clause 16.05, and if this motion is carried, the by-law shall be dealt with in the order of procedure under “Enactment of By-Laws.”.

17. MOTIONS

17.01 Motions shall be ranked in order of priority listed in Table 1 – Council Motions.

Table 1 - Council Motions

Motion	Debatable	Ranking	Further Explanation
Main Motion	Yes	14	
Subsidiary Motions			

Motion	Debatable	Ranking	Further Explanation
Postpone Indefinitely	Yes (Limited)	13	Debate may go into only the reasons why the motion should or should not be dealt with at the current time. It may go into the merits of the underlying main motion but only in respect to delaying the decision.
Amend	Yes (Limited)	12	An amendment is debatable if the motion to which it is applied is debatable. The amendment must be germane to the main motion. Debate may not go into the merits of the motion being amended.
Refer to Staff or an Advisory Committee	Yes (Limited)	11	Debate may go into only the reasons why the motion should or should not be referred to a committee or to staff. It may go into the merits of the underlying main motion but only in respect to referring the decision.

(continued on next page)

Table 1 - Council Motions (continued from previous page)

Motion	Debatable	Ranking	Further Explanation
Postpone/Defer to a Certain Time	Yes (Limited)	10	Debate may go into only the reasons why the motion should or should not be postponed.
Limit or Extend Debate	Yes (Limited)	9	Debate is restricted to the form of limitation or extension of debate.
Close Debate	No	8	It would defeat the purpose of the motion if it were debatable.
Postpone Temporarily	No	7	The purpose of the motion is to set aside business for a short period of time, but no later than the end of the meeting.
Privileged Motions			
Raise a Question of Personal Privilege	No	6	A second is not required to raise a question of privilege. A member rising on a question of personal privilege may interrupt a speaker.
Raise a Question of Privilege	No	5	A second is not required to raise a question of privilege. A member rising on a question of privilege may interrupt a speaker.
Recess	Yes (Limited)	4	Debate restricted to the length of time of recess or to the time set for reassembly. The motion shall specify the reason for the recess and when Council will reconvene. A second is not required to make a motion to recess.
Adjourn	No	3	The purpose is to conclude the meeting.
Fix the Time for the Continued Meeting	Yes (Limited)	2	Debate restricted to time and date of the continued meeting.
Point of Order	No	1	A second is not required to raise a Point of Order. A member rising on a Point of Order may interrupt a speaker.

- 17.02 All motions, except questions of privilege, points of order or to recess, must be seconded before they can be voted on. A member may second a motion for the purposes of introducing debate and need not vote in favor of the motion.
- 17.03 After a motion is received by the Chair, it shall be deemed to be in possession of the Council, but may be withdrawn by the mover at any time before decision or amendment.
- 17.04 Notwithstanding the provisions of the Reconsideration Section, when a motion to “refuse” or “not approve” is lost, a subsequent motion to approve the item shall be in order.
- 17.05 No motion made by the Chair shall be in order, except where otherwise provided by this by-law, unless they first leave the Chair and appoint the Mayor or Acting Mayor to preside in their place and, having done so, they shall not return to the Chair until the matter under discussion has been decided.

17.06 No motion shall be in order if it is made:

- i) while another member is speaking,
- ii) or, if a vote has been called, before the Chair has ruled on the outcome of the vote.

18. CONSENT MOTIONS

- 18.01 In preparing the agenda for Council meetings, the Clerk may identify items which are considered to be routine and non-controversial under the heading "Consent Motion", which matters may be considered by Council as a summary matter in one motion rather than as separate items, unless a member of Council otherwise requests.
- 18.02 Any member, before the consent motion is voted on, may remove any number of items of business from the consent motion.
- 18.03 In the event that a member declares a pecuniary interest on an item that is included in the consent motion, that item shall be removed from the consent motion and dealt with separately.
- 18.04 Items removed from the consent motion shall be considered immediately following the consent motion.

19. AMENDMENTS TO MOTIONS

- 19.01 Only one amendment can be presented to the main motion at one time and only one sub-amendment can be presented to an amendment at one time. When a sub-amendment has been disposed of, another may be introduced. When an amendment has been decided, another may be introduced.
- 19.02 The sub-amendment, if any, shall be voted on first. If no other sub-amendment is presented, the amendment shall be voted on next. If no other amendment is introduced, the motion or motions as amended shall be put to a vote.
- 19.03 In the case of a sub-amendment, the amendment to the main motion cannot be withdrawn until the sub-amendment has been withdrawn or dealt with.
- 19.04 An amendment must be similar in import to the motion which it is proposed to amend and cannot negate the intent of the original motion.
- 19.05 An amendment embodying a matter, the consideration of which has been deferred, is not permissible.
- 19.06 It shall be the duty of the Chair to determine what amendments are in order.

20. DEFERRAL/REFERRAL

- 20.01 A motion to refer or postpone/defer must be disposed of before a motion to amend may be made.
- 20.02 A motion postponed to a definite date shall have precedence over all other business under the order of Unfinished Business on the agenda for that date.
- 20.03 A motion to refer must state whether the matter is to be referred to staff or to an advisory committee and shall name the committee to which it is referred, if any.
- 20.04 Any reports arising from such a referral shall be listed at the appropriate place in the order of procedure and shall not be considered under "Unfinished Business".

21. MOTIONS TO CLOSE DEBATE

- 21.01 A motion to close debate applies only to the motion or amendment under consideration at the time the motion to close debate is moved. A motion to close debate is not in order until every member has been given the opportunity to speak at least once to the matter under consideration. Upon a motion to close debate being made, debate shall cease and no amendment may be made to the main motion, until the motion to close debate has been voted on. The motion to close debate shall be put in the following words:

"Shall the question be called?"

- 21.02 If a motion to close debate carries, the main motion or amendment under consideration shall be put immediately without further debate. If the motion to close debate is lost, debate may proceed.
- 21.03 If, at any point during consideration of a motion, the Chair determines that no member wishes to speak, the Chair may close debate by calling the question without need for a motion to close debate, unless a member objects or notifies the Chair of their wish to continue debate.

22. QUESTIONS OF PRIVILEGE

- 22.01 Where a member considers that their rights, immunities or integrity or the rights immunities or integrity of the Council as a whole has been impugned, a member may, as a matter of privilege, rise at any time and, once recognized by the Chair, may draw the attention of Council to the matter.
- 22.02 Privilege shall include such matters as improper conduct of municipal officers, employees, Council members, or members of the audience; violations to this by-law; disorderly conduct; correction of inaccurate statements made concerning the member during the course of a meeting; or any other offence. Privilege shall also include comfort of members with respect to heating, lighting and ventilation.

- 22.03 Where the Chair or CAO determines that the integrity of a staff member has been impugned, that comments made by a staff member have been portrayed inaccurately, or that defamatory statements have been made in relation to a staff member, they shall permit the CAO, the Commissioner of the relevant department, or a designate of either, to make a statement to Council.
- 22.04 The procedure for decision on matters of privilege shall be the same as for a Point of Order in the Point of Order Section.

23. POINTS OF ORDER

- 23.01 A point of order may be raised at any time by a member who considers that there is a breach of the rules of order pursuant to this by-law. The Chair may also call any member, delegate, staff member, or member of the public to order if they observe a breach of the rules of order.
- 23.02 When a point of order is raised, or when a person is called to order by the Chair, the person shall immediately cease to speak until the Chair has stated and decided the point of order.
- 23.03 If a point of order is made by a member, the Chair shall immediately acknowledge the point of order and, in giving their decision, shall cite the rule or the law governing the case. They may ask for the assistance of the Clerk or members in deciding the matter, but their decision shall be final if there is no appeal.
- 23.04 If the decision of the Chair is appealed, they shall restate the point at issue and their ruling thereon and, without further debate, shall put the question, "Shall the ruling of the Chair be sustained?" In the event of a tie vote, the Chair shall be deemed to be sustained, notwithstanding that the challenge be to the interpretation of this by-law.
- 23.05 Any member may appeal a ruling by the Chair, regardless of whether they raised the point of order or were called to order by the Chair.
- 23.06 In all respects, when a proceeding of Council is in contravention of any provision of this by-law, and no member objects, it shall be deemed that Council concurs with the proceedings.

24. COUNCIL WORKSHOPS

- 24.01 Council Workshops shall be placed on the Delegation section of the agenda.
- 24.02 Members shall not make any motion during a Council workshop, save for those that are purely procedural.
- 24.03 No delegations shall be permitted to address Council during a workshop, unless such a delegation has been requested by Council or staff to provide education and training or has been invited to receive the opinions of members of Council in relation to a proposed strategy or policy on behalf of the City of Waterloo.

25. PUBLIC MEETINGS

25.01 This section shall apply to all public meetings held under the provisions of provincial legislation, such as the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

25.02 At the commencement of any public meeting, the Chair shall:

- i) state the item being considered;
- ii) list any specific properties to which it applies, if any;
- iii) should the public meeting be called due to an application for an amendment to a by-law or official plan, state the name of the organization or individual making the application.

25.03 If public notice of the meeting is required by any provincial statute, the Clerk shall read the manner in which notice was provided and the dates on which it was provided.

25.04 Council shall call presentations and delegations in the following order:

- i) presentation by staff, if any;
- ii) joint delegation of the applicant and/or their representative, if any;
- iii) any persons who have registered with the Clerk's office as delegations in accordance with the Delegations section;
- iv) any other members of the public in attendance.

25.05 All members of the public in attendance shall be provided the opportunity to make oral representations to Council during the public meeting.

25.06 Any members of the public addressing Council without registering in advance with the City Clerk shall declare:

- i) their name;
- ii) if addressing Council as a private individual, their municipality of residence;
- iii) if addressing Council as a representative(s) of an organization, the name of the organization they are representing and title of the presenters;
- iv) if addressing Council on behalf of another party as a consultant, spokesperson, legal representative, or other such relationship, the individual or organization they are representing.

25.07 All members of the public addressing Council at a public meeting without registering in advance shall be provided five minutes to speak.

26. NOTICE OF MOTION

- 26.01 Motions may be placed on the agenda for a meeting by any member of Council by providing appropriate notice. A written copy of the motion must be presented to the Clerk who shall place it on the Council agenda for the next meeting. The written notice must include the name of the member who will introduce the motion.
- 26.02 A member who presents a written notice of a motion to the Clerk to be read at any regular meeting must be present during the reading of the notice.
- 26.03 A motion of which Council has received notice shall be placed on the agenda for the date on which it is scheduled for debate. If not moved at the meeting for which it is scheduled, by the person who gave notice, it shall be deemed to be withdrawn unless an alternative time for the motion to be debated is given.
- 26.04 Should a member of Council submit a notice of motion sufficiently in advance of a regular meeting, such that the Clerk would be able to place it on the agenda for the meeting released according to the requirements for public notice in clauses 9.02 and 9.03, the requirement for notice shall be deemed to be waived and the matter may be considered at the meeting.
- 26.05 Notices of motions shall be received without comment or debate by any member.

27. COMMUNICATIONS

- 27.01 Every written communication intended for consideration by Council shall be legibly written or printed and shall provide the name, municipality of residence, and mailing address of the sender.
- 27.02 Upon receipt of any written communication addressed to Council, the Clerk shall distribute it to members of Council.
- 27.03 At the request of any member, the Clerk shall place the correspondence on the next available Council agenda to be received as information.
- 27.04 No communication shall be placed on an agenda for a meeting if:
- i) it contains defamatory, obscene, offensive, indecent, improper, rude or vulgar language;
 - ii) the matter to which it refers would be eligible for resolution under any process for formal complaints or appeals, or for requesting compensation, where such processes have been established by the City of Waterloo, unless and until all municipal proceedings of such a process have been completed;
 - iii) the matter to which it refers could be considered in a closed meeting under the provisions of the Act, unless the matter has already been considered in an open meeting.

28. UNFINISHED BUSINESS

- 28.01 Any item of business, which has been discussed by the Council at a prior meeting, but not disposed of, may be raised again at any subsequent regular or special meeting of the Council when “Unfinished Business” is called for under the order of procedure.

29. QUESTIONS

- 29.01 In the order of procedure, questions to staff on items unrelated to other matters on the agenda may be raised under “Questions”.
- 29.02 Any question to which staff cannot provide a complete response within the meeting may be referred to staff by issuing a directive by way of a motion to refer, using the procedure listed in the Deferral/Referral Section.

30. NEW BUSINESS

- 30.01 The Chair shall provide members the opportunity to raise items of interest to Council and the public under “New Business”.
- 30.02 All items raised under New Business that require Council action shall be considered as Notice of Motion for consideration at the next meeting pursuant to the Notice of Motion Section.
- 30.03 Notwithstanding clause 30.02, any member may request that the matter be dealt with immediately and unless any member objects it shall be deemed that Council concurs with the request.
- 30.04 Should a member of Council object to dealing with a matter immediately, Council may consider a motion to waive the notice requirements by a two-thirds vote of the members present.

31. ADJOURNMENT/RECESS

- 31.01 The proceedings of the Council on any day shall be terminated as soon after the hour of 11:00 p.m. as the matter under immediate consideration is finalized and Council has established a time and date for the consideration of the balance of the agenda.
- 31.02 Notwithstanding clause 31.01, Council may continue with the meeting, by way of a resolution, provided that Council passes motions each hour extending the time of the meeting.
- 31.03 A motion to adjourn or to recess may be moved and seconded at any time. However, no motion to adjourn or recess may be made during the taking of a vote on any motion.
- 31.04 Where a motion to adjourn is duly moved and carried and any item of business or any by-law then before Council is left undisposed of, such item of business or by-law shall be placed under “Unfinished Business” on the agenda for the next regular Council meeting or a special Council meeting called to address the remaining items.

- 31.05 Where a motion to adjourn or recess is lost no second motion to the same effect may be made until the matter under consideration has been disposed of.
- 31.06 On a motion to adjourn or recess no member shall leave their seat until the Chair has declared the meeting adjourned or in recess.
- 31.07 Motions to recess a meeting shall state why the meeting shall be recessed and shall provide a time at which the meeting shall reconvene.

32. CLOSED MEETINGS

- 32.01 Whenever it shall be moved and carried that the Council convene in closed meeting, the Mayor shall preside over the closed meeting, or in their absence, the Acting Mayor.
- 32.02 A meeting or a part of a meeting may be closed to the public in accordance with the provisions of the Act.
- 32.03 Before holding a meeting or part of a meeting that is to be closed to the public, Council shall state by resolution:
- i) the fact of holding of the closed meeting;
 - ii) the general nature of the matter to be considered at the closed meeting;
 - iii) any other prescribed information as listed in the Act.
- 32.04 Subject to clause 32.05, a meeting shall not be closed to the public during the taking of a vote.
- 32.05 A meeting may be closed to the public during a vote if the meeting is required or permitted to be closed to the public and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under contract with the municipality or local board.
- 32.06 Subject to the provisions of this section, delegations shall be permitted to speak before closed meetings of Council, if invited by the Mayor or the Clerk.
- 32.07 The rules of procedure of Council shall apply in closed meetings of Council.
- 32.08 No person shall take photographs, transmit or broadcast any video or audio, or create a video or audio recording of any part of a closed meeting, except any recordings made by the Clerk.
- 32.09 If any disorder should arise in a closed meeting, the Chair shall immediately adjourn or recess the meeting and any business not completed may be further considered in a closed meeting of Council duly called.
- 32.10 All matters arising from a closed meeting which are to be considered in an open meeting may be considered under "New Business".

32A. ELECTRONIC MEETINGS DURING A DECLARED EMERGENCY

[section 32A added by By-Law 2020-018, March 23, 2020 and subsequently amended]

32A.01 **Interpretation** - In this Section the following shall apply, in addition to the definitions in Section 1 of this By-law:

Emergency: means any period of time during which an emergency has been declared to exist in all or part of the City of Waterloo by the Head of Council or the Province of Ontario under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9, as amended from time to time or any successor thereof;

[Section 32A.01 deleted by 14 By-law 2020-071 October 5, 2020]

32A.02 **Electronic Meeting** – During an Emergency, a regular or special Council Meeting may be conducted by Electronic Meeting, in accordance with this Section and with any procedures as established by the Clerk or his or her designate in accordance with Section 32A.06, and:

- a) Council members may participate electronically in such meeting, including voting;
- b) Council members participating electronically in such meeting shall be counted in determining whether or not a quorum exists at the commencement and at any point in time during the meeting; and
- c) A Council member present by electronic method during an Electronic Meeting may act as Chair in accordance with the provisions of this By-law.

32A.03 **Closed Session** – An Electronic Meeting may include a closed session, which shall be conducted in the absence of the public and in accordance with this Section.

32A.04 **Public Notice of Electronic Meeting** – A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a means to electronically access the open session of such Electronic Meeting.

32A.05 **Delegations In Writing** – At the discretion of the Clerk or his or her designate, an Electronic Meeting shall not permit public delegations, save and except by way of electronic submission received in advance of the meeting, which shall be submitted to the Clerk's office at clerkinfo@waterloo.ca prior to the start of the Electronic Meeting, or by electronic participation in the electronic meeting on items already on the agenda and through a procedure developed by the Clerk or designate.

[Section 32A.05 deleted and replaced by By-Law 2020-032, May 25, 2020]

- 32A.06 **Procedures for Electronic Meeting** – The Clerk or his or her designate may, from time to time, establish or amend procedures relating to Electronic Meetings, provided that such procedures do not conflict with the provisions of Section 32A of this By-law.
- 32A.07 **Application and Conflict** – Notwithstanding the foregoing, the Procedure By-law shall continue to apply to an Electronic Meeting held pursuant to this Section, except that this Section and any procedures as established by the Clerk or his or her designate related thereto and any Provincial legislation or order shall prevail to the extent of any conflict.

[Section 32.A added by By-Law 2020-018 March 23, 2020]

33. REFERENCE SOURCE

- 33.01 In all matters not addressed by this by-law, the Chair shall resort to *Meeting Procedures, Parliamentary Law and Rules of Order for the 21st Century (James Lochrie)* for guidance on the question, and in such cases the decision of the Chair shall be final and acquiesced in without debate.
- 33.02 This by-law applies with necessary modifications to delegations.
- 33.03 Whenever the singular is used herein, it shall be construed as including the plural.

34. PARAMOUNCY

- 34.01 All provisions of this by-law are subject to the laws of the Province of Ontario.

35. SHORT TITLE

- 35.01 This by-law may be referred to as the “Procedure By-law”.

36. BY-LAWS REPEALED

- 36.01 By-laws 07-137, 2013-117, and any other by-law inconsistent herewith, are hereby repealed upon the date this by-law comes into force and effect.

37. DATE OF EFFECT

- 37.01 This by-law shall come into force and effect on January 1st, 2020, save and except for clauses 9.02, 9.03, and 12.04, which shall come into force and effect on April 1st, 2020.

Enacted this 25th day of November, 2019.

Approval	Date	Print Name	Initials
Legislative Services		Olga Smith	
Legal		Steve Ross	
Finance	N/A	N/A	

D. Jaworsky, Mayor

O. Smith, City Clerk