

CITY OF NIAGARA FALLS

By-Law No. 2019-04

A by-law governing the calling, place and proceedings of Meetings.

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.

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. DEFINITIONS

For the purposes of this By-law:

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

“Acting Mayor” means the Councillor who is appointed to act in the place and stead of the Mayor as required;

“Appointment” means a request to address Council on a matter not on the agenda, but must be related to Council;

“CAO” means the Chief Administrative Officer of the City or his/her designate;

“City” means The Corporation of the City of Niagara Falls and includes the geographical area of the City of Niagara Falls;

“Clerk” means the Clerk of the City of Niagara Falls appointed under the Act and shall include any other employee of the City to whom the Clerk has delegated any of the Clerk's powers and duties under the Act;

“Closed Meeting” means a Meeting or a part of a Meeting of Council, which is not open to the public in accordance with the Act;

“Committees of Council” means any board, commission or committee established by Council, which has at least one (1) Member appointed from Council. The Member(s) appointed by Council may be Member(s), staff of the City, and/or member(s) of the public;

“Consent Agenda” means a listing of Consent Items being presented to Council for its consideration;

“Consent Item” means a report that is presented to Council for approval, in anticipation of there being no debate on the item, and with no Delegation as further clarified in sections 14.1 and 14.2;

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

“Councillor” means a person elected or appointed as a Member of Council, other than the Mayor;

“Delegate” or “Delegation” means any person, group of persons, firm or organization, who is neither a Member of Council or a member of City staff, and who is speaking to Council on an item on the agenda;

“Electronic Device” means computers, cellular telephones, smartphones, personal digital assistants, smartwatches, tablets, voice recorders and cameras or any other similar functioning device;

“Emergency Meeting” means a Meeting that does not meet the requirements of a Meeting or a Special Meeting;

“Friendly Amendment” means an amendment put forward by a Member that is accepted by the mover and seconder of the Motion as a change that can be incorporated into the Motion as if that wording was part of the Motion that was initially put on the floor for consideration;

“Item(s) for Discussion” means agenda material that is presented for approval, which is not on the Consent Agenda;

“Majority” means more than half of the votes cast by the Council who are present and eligible to vote;

“Mayor” means the head of Council and includes the Acting Mayor;

“Meeting” means any regular, special or other meeting of a Council, of a local board or of a committee of either of them, where a Quorum of Members is present, and Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, local board or committee;

“Member” means a member of Council, including the Mayor;

“Motion” means a proposal by a Council Member presented in a Meeting in accordance with the Rules of Procedure, for the consideration of Council;

“Notice of Motion” means a written notice presented to Council advising that the Motion described therein will be brought to a future Meeting of Council;

“Open Meeting” means a Meeting which is open to the public;

“Pecuniary Interest” means a direct or indirect financial interest of a Member;

“Point of Order” means as set out in section 16.2;

“Point of Privilege” means as set out in section 16.1;

“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:

- to extend the time of the Meeting;

- to refer;

- to defer to a specific date;

- to Recess;

- to adjourn;

- to move the question be put; or

- to suspend the Rules of Procedure;

“Quorum” means a Majority of the Members;

“Recess” means 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;

“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;

“Resolution” means a Motion that has been carried;

“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;

“Speakers List” means a list maintained by the Mayor of those Councillors wishing to speak to the Motion;

“Special Meeting” means a Meeting other than a regularly scheduled Meeting, called pursuant to the Act or the provisions of this By-law; and

“Substantive Motion” means any Motion other than a Procedural Motion.

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 conduct of business in Council.
- 2.2 All matters not specifically provided for in this By-law shall be regulated in accordance with the parliamentary procedures outlined in James Lochrie’s Meeting Procedures.
- 2.3 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.
- 2.4 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.
- 2.5 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.

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 City;
 - b) to develop and evaluate the policies and programs of the City;
 - c) to determine which services the City provides;
 - d) to ensure that administrative policies, practices and procedures are in place to implement the decisions of Council;
 - e) to set strategic priorities;
 - f) to abide by the Council’s Code of Conduct;
 - g) to engage the CAO to oversee the day to day implementation of policies and programs;

- h) to ensure the accountability and transparency of the operations of the City, including the activities of the senior management of the City;
- i) to maintain the financial integrity of the City;
- j) to carry out the duties of Council under the Act or any other applicable statute; and
- k) to act within and uphold the rule of law.

4. ROLE OF THE MAYOR

4.1 It is the role of the Mayor:

- a) to preside over Council Meetings;
- b) to provide leadership to Council;
- c) to represent the City at official functions;
- d) to carry out the duties of the head of Council under the Act and any other statute;
- e) to uphold and promote the purposes of the City;
- f) to promote public involvement in the City's activities;
- g) to act as the representative of the City both within and outside the City, and promote the City locally, nationally and internationally; and
- h) to participate in and foster activities that enhance the economic, social and environmental well-being of the City and its residents.

4.2 It shall be the duty of the Mayor, 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, as the case may be, which do not contravene the Rules of Procedure;
- c) determine the results of the vote on any Motions so presented;

- d) enforce, on all occasions, the observance of order and decorum among the Members; and
 - e) authenticate by his or her signature, when necessary, all by-laws, minutes and Resolutions of Council.
- 4.3 The Mayor shall be ex-officio a member of all committees and shall have full privileges, including the right to vote at Meetings thereof, but shall not count in membership number or determining Quorum.
- 4.4 The Mayor shall vote as any other Member.
- 4.5 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, a Member to serve as Acting Mayor. The Acting Mayor shall serve in circumstances where the Mayor is absent or refuses to act or the office is vacant and while so acting in the place and stead of the Mayor, such Member shall have all powers and duties of the Mayor.

5. REGULAR MEETINGS OF COUNCIL

- 5.1 All regular Meetings of Council shall be held in the Council Chambers at 4310 Queen Street, Niagara Falls, 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.
- 5.2 Regular Meetings of Council shall be held on a Tuesday (whenever possible), commencing at 5:00 p.m. in Open Meeting or at such other time as may be designated from time to time.
- 5.3 All Closed Meeting Items for Discussion at Council shall be discussed in Closed Meeting prior to the regular Meeting.
- 5.4 The curfew for each regular Meeting of Council is 10:00 p.m. The Meeting shall stand adjourned at that curfew, unless the curfew is extended by an affirmative vote of the Majority of Members present.

6. SPECIAL MEETINGS

- 6.1 Upon notice as set out in section 6.4, the Mayor may, at any time, call a Special Meeting of Council.
- 6.2 A Special Meeting of Council can be called in one of two ways:
- a) by the Mayor, as set out in section 6.1 above; or
 - b) upon receipt of a petition seeking the scheduling of a Special Meeting, by the Majority of the Members.

- 6.3 In the event that a Special Meeting of Council is called as pursuant to subsection 6.2 above, the Clerk shall call such Special Meeting of Council for the purpose as described and at the time and place set out in the petition.
- 6.4 The Clerk shall provide all Members with notice of a Special Meeting at least forty-eight (48) hours before such Meeting. Notice shall be provided to the Member by personal delivery, facsimile, e-mail or other electronic means, or by contacting the Member by telephone.
- 6.5 No business may be transacted at a Special Meeting of Council other than that specified in the notice or agenda.

7. EMERGENCY MEETINGS

- 7.1 Notwithstanding any other provision of this By-law, an Emergency Meeting of Council may be called by the Mayor 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 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 five (5) Members is necessary to form a Quorum of Council.
- 8.2 As soon as there is a Quorum after the time set for the Meeting, the Mayor 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.
- 8.5 When 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 unable to participate 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).

9. CLOSED MEETINGS

- 9.1 Except as otherwise provided in this section, all Meetings shall be open to the public.
- 9.2 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 City;
 - b) personal matters about an identifiable individual, including City employees;
 - c) a proposed or pending acquisition or disposition of land by the City;
 - d) labour relations or employee negotiations;
 - e) litigation or potential litigation, including matters before administrative tribunals, affecting the City;
 - 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 City 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 City, 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 City 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 City.

- 9.3 A Meeting shall be closed to the public if the subject matter relates to:
- a) 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; or
 - b) an ongoing investigation respecting the City or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, R.S.O. 1990, c. O.6, an Ombudsman referred to in subsection 223.13(1) of the Act, or the investigator referred to in subsection 239.2(1) of the Act.
- 9.4 A Meeting of Council 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; and
 - 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.
- 9.5 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 Meeting and the general nature of the matter to be considered at the Closed Meeting; or
 - b) in the case of a Meeting under section 9.4, the fact of the holding of the Closed Meeting, the general nature of its subject matter and that it is to be closed under that section.
- 9.6 Only items contained in the Resolution provided for in section 9.5 shall be considered by the Council or committee in Closed Meeting.
- 9.7 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 City or persons retained by or under a contract with the City.

- 9.8 Prior to meeting in a Closed Meeting, Council shall convene an Open Meeting to pass a Resolution to convene a Closed Meeting.
- 9.9 The Resolution described in section 9.8 above shall state the legislative authority for the proposed Closed Meeting.
- 9.10 All deliberations while in Closed Meeting 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.
- 9.11 All Electronic Devices must be turned off throughout Closed Meetings of Council with the exception of the Clerk's Electronic Device which records the Meeting, and 'on call/on duty' medical or emergency services personnel (Council or employees). Such personnel shall advise the Mayor, and place their Electronic Devices on the audible setting in order to be notified, and upon notification, leave the room to respond.

10. PUBLIC NOTICE OF MEETINGS

- 10.1 The Clerk shall provide public notice of all Meetings of Council by posting a notice on the website of the City, a newspaper of general circulation in the community and electronic display boards at City Hall, which includes the place, date and time of the Meeting.

11. COUNCIL AGENDA

- 11.1 The Clerk, in consultation with the Mayor and staff, 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;
 - b) Resolution to proceed with Closed Meeting of Council (if required);
 - c) Closed Meeting of Council (if required);
 - d) singing of 'O Canada';
 - e) adoption of Minutes of previous Open Meeting and Closed Meeting;
 - f) disclosures of Pecuniary Interest;
 - g) Mayor's report and announcements;
 - h) Appointments/Delegations;

- i) reports;
- j) planning matters;
- k) Consent Agenda;
- l) communications:
 - i) receive and/or refer to staff;
 - ii) for consideration;
- m) ratification of Meeting;
- n) other business;
- o) Motions;
- p) Notices of Motion;
- q) by-laws; and
- r) 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 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 (1) person. The Clerk may submit such written communication to Council in summary form.

11.4 The Clerk shall distribute the agenda for each regular Council Meeting to every Member by electronic means before the scheduled Meeting.

12. DELEGATIONS AND APPOINTMENTS

12.1 Requests for Delegations to Council shall be submitted in writing to the Clerk twenty-four (24) hours prior to the commencement of the Meeting.

12.2 Requests for Appointments shall be submitted in writing to the Clerk no later than seven (7) days before the date and time of the Meeting.

12.3 A maximum of five (5) Appointments shall be permitted.

12.4 A written request for an Appointment to address Council shall include:

- a) the person's name;

- b) address;
- c) telephone number;
- d) the name, address and telephone number of the person or organization the requester represents (if applicable); and
- e) a detailed brief of the topic to be discussed and the request/direction the presenter is seeking from Council.

12.5 A written Appointment request will form part of the official record of the proceedings of Council and will be considered to be a public document.

12.6 In the case of extenuating circumstances, a person who does not appear on the agenda may appear as an Appointment at a Council Meeting, provided the Council, by an affirmative vote of a Majority of the Members present, grants the person to appear, an Appointment.

12.7 Delegations and Appointments shall be limited to not more than five (5) minutes to address Council, unless otherwise determined by Council.

12.8 Delegations and Appointments shall not be permitted on the following topics:

- a) labour relations;
- b) union negotiations;
- c) any employee relations;
- d) advertisements for products or services; and
- e) election campaigning.

13. MINUTES OF MEETINGS

13.1 The minutes of every Council Meeting shall be recorded by the Clerk.

13.2 The minutes of all Meetings of Council and committees shall record:

- a) the place, date and time of Meeting;
- b) the name of the head of Council 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.

- 13.3 The Members shall inform the Clerk's office, where reasonable, of all planned absences, late arrivals, and early departures from Council and Closed Meetings.
- 13.4 The minutes of each Council Meeting shall be presented to Council at the next regular Meeting for approval.
- 13.5 After the Council minutes have been approved by Council, they shall be signed by the Mayor and the Clerk.
- 13.6 All audio recordings of Closed Meetings shall be maintained and kept securely in the Clerk's office.
- 13.7 Recordings of Meetings shall be retained in accordance with the City's Records Retention By-law.

14. CONSENT AGENDA

- 14.1 The Council Consent Agenda shall consist of the following items:
 - a) reports from staff wherein the recommendation is that the report be received for the information of Council;
 - b) correspondence for the direction of Council, which may include:
 - i) monthly or regular updates to Council that don't involve a decision of Council;
 - ii) correspondence for which a policy decision or approval of Council is required; and
 - iii) correspondence accompanied by a recommendation from staff;
 - c) items of a timely nature; and
 - d) items staff anticipate will be unlikely to cause debate.
- 14.2 Council Members shall identify any items contained on the Consent Agenda which they wish to speak to and the matter shall be extracted from the Consent Agenda to be dealt with separately under Items for Discussion.
- 14.3 The balance of items on the Consent Agenda, which have not been extracted, shall be voted on in one (1) Motion.

15. RULES OF DEBATE

- 15.1 Any Member who wishes to speak must raise his or her hand and be recognized by the Mayor. Once recognized, the Member, if able, shall stand to speak to the matter.
- 15.2 When two (2) or more Members raise their hands, the Mayor shall designate the order in which they may speak.
- 15.3 No Member may speak to the same question or in reply for any longer than five (5) minutes including comments, questions to staff and staff responses in Council, without leave of the Council.
- 15.4 When a Member is speaking, no other Member shall interrupt that Member except to raise a Point of Order.
- 15.5 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.
- 15.6 At the Mayor's discretion, the mover of a Substantive Motion may be offered the opportunity to speak last.

16. POINTS OF PRIVILEGE AND ORDER

- 16.1 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 Mayor to raise a question of privilege and after leave is granted, the Member shall state the Point of Privilege to the Mayor and the Point of Privilege shall be immediately decided by the Mayor.
- 16.2 When a Member desires to call attention to a deviation or departure from the Rules of Procedure, that Member shall ask leave of the Mayor to raise a Point of Order and after leave is granted, the Member shall state the Point of Order to the Mayor and the Point of Order shall be immediately decided by the Mayor.
- 16.3 It shall be the duty of the Mayor 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 Mayor'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.
- 16.4 In the case of an immediate appeal by a Member from the decision of the Mayor 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 Mayor be sustained".
- 16.5 When a Point of Order is raised:

- a) all debate shall cease until the Mayor has ruled on the Point of Order and the appeal, if any, of the Mayor's ruling on the Point of Order is decided;
- b) once the ruling on the Point of Order is final, debate shall resume at the point in the proceedings at which the Point of Order was raised and the speaker who was addressing Council at the time the Point of Order was raised, shall resume addressing Council; and
- c) notwithstanding subsection 16.5.2 above, in the event the ruling on the Point of Order, whether by way of a ruling by the Mayor or by way of the outcome of an appeal of the ruling of the Mayor, affects the order of speakers in the debate or the order of proceedings of Council, the meeting shall proceed in accordance with the ruling.

16.6 When the Mayor considers that the integrity of the Chief Administrative Officer or a member of the staff has been impugned or questioned, the Mayor may permit the Chief Administrative Officer or other staff member present to make a statement to the Council.

17. NOTICES OF MOTION

- 17.1 Except as otherwise provided in this By-law, all Notices of Motion shall be presented, in writing, at a Meeting of Council, but shall not be debated until the next regular Meeting of Council.
- 17.2 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.
- 17.3 Notwithstanding section 17.2 above, in the event that any Motion introduced without notice to Council involves the expenditure of more than Two Hundred and Fifty Thousand Dollars (\$250,000.00), the Rules of Procedure cannot be suspended.

18. MOTIONS

- 18.1 Notwithstanding section 17, the following types of Motions do not require notice:
 - a) call the question;
 - b) refer;
 - c) defer;

- d) Recess;
- e) adjourn;
- f) suspend an identified Rule of Procedure;
- g) decide an appeal on a Point of Order, practice or procedure;
or
- h) amend a Motion.

18.2 All Motions shall be moved and seconded before being debated or put to a vote.

18.3 After a Motion has been moved and seconded, it can be withdrawn by the moving Council Member at any time during the debate and before a decision or amendment.

18.4 A Motion shall be decided without debate or amendment if it is to:

- a) call the question;
- b) refer or defer;
- c) adjourn; or
- d) extend curfew.

18.5 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) extend curfew;
- b) call the question;
- c) refer;
- d) defer;
- e) adjourn;
- f) suspend an identified Rule of Procedure;
- g) decide an appeal on a Point of Order, practice or procedure;
and
- h) amend a Motion.

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

- 18.6 Consideration of a Motion may be interrupted by consideration of a Motion with higher priority.
- 18.7 When a Motion is under debate, no other Motion shall be in order except a Motion to amend.
- 18.8 A Motion to suspend the Rules of Procedure must identify the specific rule to be suspended.
- 18.9 Upon the request of any Member of Council, a Motion under consideration that contains distinct propositions, can have each proposition voted on separately.

Motion to Adjourn

18.10 A Motion to adjourn:

- a) is not debatable;
- b) is not amendable;
- c) shall not include qualifications or additional statements; and
- d) is always in order, except when a Member is speaking or when the Members are voting.

18.11 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.

Motion to Amend

18.12 A Motion to amend:

- a) shall be relevant to the main Motion;
- b) shall not be received if in direct opposition to the main Motion;
- c) is debatable;
- d) may be accepted as a Friendly Amendment;
- e) can be amended; and
- f) an amendment to the amendment is not allowed.

18.13 Only one (1) Motion to amend an amendment to the question shall be allowed at one time and any further amendment must be to the main question.

18.14 Voting on the main Motion and amending Motions shall be conducted in the following order:

- a) a Motion to amend a Motion to amend the main Motion;
- b) a Motion (as amended or not) to amend the main Motion; and
- c) the main Motion (as amended or not).

Motion to Refer

18.15 A Motion to refer a matter under consideration to staff or another body:

- a) is not debatable, except when instructions are included, in which case only the instructions shall be debatable; and
- b) shall take precedence over all amendments or debate of the original Motion until it is decided.

18.16 A Motion to refer a matter shall specify the body to whom the matter is being referred and may contain instructions from Council.

18.17 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.

Motion to Extend Curfew

18.18 An initial Motion to extend curfew for a period of 30 minutes:

- a) is not amendable;
- b) is not debatable;
- c) is always in order, except when a Member is speaking or when the Members are voting; and
- d) requires a Majority vote of the Members present.

18.19 Any further extensions after the initial 30 minutes period shall require a two-thirds Majority vote of the Members present.

Motion to Defer

18.20 A Motion to defer a matter under consideration:

- a) is not amendable;
- b) is not debatable;
- c) is always in order, except when a Member is speaking or when the Members are voting; and
- d) shall specify a date at which time the matter will again be considered by Council.

Motion to Rise With/Without Report

18.21 A Motion to rise and report shall be decided without debate.

18.22 A Motion to rise without report:

- a) is always in order;
- b) takes precedence over any other Motion; and
- c) is debatable.

Motion to Call the Question

18.23 A Motion that a vote on the question be now taken:

- a) can be called by any Member, at any time during debate, provided all Members present have had an opportunity to speak once to the Motion on the floor;
- 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.

Motion to Reconsider a Previously Decided Motion

18.24 A Motion to reconsider:

- a) must be moved and seconded by Councillors that voted with the Majority, in the matter to be reconsidered;
- b) must be made by Notice of Motion; and
- c) must be passed by a two-third (2/3) Majority vote of Council.

18.25 Notwithstanding section 18.24 above, the above reconsideration rule shall not apply to the following:

- a) a Motion passed by previous Councils;
- b) a Motion that, while pertaining to a previously decided Motion, does not alter the core purpose or intent of the previously decided Motion;
- c) a Motion presented in respect of a previously decided matter for the purpose of strengthening or clarifying the original decision; or
- d) a Motion presented in respect of a previously decided matter for the purpose of moving a matter through a series of necessary steps or phases.

18.26 A matter cannot be reconsidered in the event actions have been taken that, if reversed, would cause undue harm to persons that have relied on the original decision or, in the event that reconsideration would expose the City to liability.

18.27 Before accepting a Notice of Motion to reconsider, the Mayor may ask the mover and seconder to confirm that he/she voted with the Majority of Council on the issue in question.

18.28 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.

18.29 Upon passing of the Notice of Motion to reconsider, the original Motion that was the subject of the reconsideration is negated.

Motion to Recess

18.30 A Motion to Recess:

- a) is not debatable;

- b) is amendable as to the length of the Recess; any such amendment is not debatable; and
- c) requires a Majority vote.

Motion to Close the Speakers List

18.31 A Motion to close the Speakers List as it stands at this time:

- a) can be made only by a Member who is recognized by the Mayor 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";
- b) when resolved in the affirmative, the Mayor will advise the Members of the names that are listed on the Speakers List;
- c) 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;
- 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.

Motion to Suspend the Rules

18.32 A Motion to Suspend the Rules is to permit a time-limited deviation from a rule of procedure that is interfering with an action the Council wishes to take. When stating the motion, the member need not specify the rule to be suspended but must state the specific activity to be allowed under the suspension.

- a) is non-debatable
- b) is non-amendable
- c) Suspending a rule is in essence putting in place a new rule of order, even though temporarily, therefore it requires a two-third (2/3) Majority vote of Council.

19. VOTING PROCEDURES

- 19.1 A Motion shall be put to a vote by the Mayor immediately after all Members desiring to speak on the Motion have spoken in accordance with the Rules of Procedure.
- 19.2 Unless otherwise provided in the By-law or requested by the Mayor, a vote may be by voice, show of hands, standing or otherwise.
- 19.3 Unless otherwise provided in the By-law, every Member shall have one (1) vote.
- 19.4 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.
- 19.5 After a Motion is put to a vote by the Mayor, 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 Mayor.
- 19.6 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.
- 19.7 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.
- 19.8 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.
- 19.9 A Member present at the time of a vote may call for a Recorded Vote immediately before or after the taking of the vote.
- 19.10 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.
- 19.11 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.
- 19.12 The Mayor shall announce the result of every vote. If all of the Members present when a vote is taken vote unanimously, the Mayor shall announce the vote accordingly.

- 19.13 If a Member doubts the result of a vote as announced by the Mayor, that Member may object immediately to the Mayor's declaration and, upon the affirmative vote of the Majority of the Members present, the vote shall be re-taken.
- 19.14 Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any act.
- 19.15 In the absence of having a conflict of interest, the Mayor may vote on any and all Motions.
- 19.16 In the event of a tie vote between all of the Councillors, other than the Mayor, who are eligible to vote on a Motion, the Mayor shall vote to break the tie.
- 19.17 In the event the Mayor declines or refuses to vote in the circumstances described above in section 19.16, the Mayor's vote shall be deemed to be a vote against the Motion.
- 19.18 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.

20. PECUNIARY INTEREST

- 20.1 Where a Member declares a Pecuniary Interest during a Closed Meeting session, he or she shall leave the room.
- 20.2 Where a Member declares a Pecuniary Interest during a Meeting, and where there is no debate with respect to the Item for Discussion, he or she may remain in attendance.
- 20.3 Where a Member declares a Pecuniary Interest during a Meeting, and where there is a debate with respect to the Item for Discussion, he or she shall leave the room.

21. ENACTMENT OF BY-LAWS

- 21.1 The question "that this by-law be now read a first time" shall be decided without amendment or debate. If the by-law has been read a first time, it may be read a second and third time, with or without amendments.
- 21.2 Every by-law enacted by Council shall be signed by the Mayor and the Clerk, numbered and sealed with the seal of The Corporation of the City of Niagara Falls.

- 21.3 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.
- 21.4 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 OF COUNCIL

- 22.1 Any recommendations from Committees of Council shall be presented by way of a staff report and recommendation to Council.
- 22.2 Every committee is advisory to Council unless otherwise stated in the terms of reference, by-law or Resolution governing the committee.
- 22.3 No committee has the power to bind the City or to commit the City 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.

23. STATUTORY PUBLIC MEETINGS IN ACCORDANCE WITH THE PROVISIONS OF THE *PLANNING ACT*

- 23.1 The Council 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 the City's Official Plan and Zoning By-law Amendments and Policy Amendments, and recommendations to Council on Local Official Plans and General Policy Local Official Plan Amendments.

24. SHORT TITLE

- 24.1 The short title of this By-law is "The Procedural By-law".

25. REPEAL

- 25.1 By-law No. 89-155 and all amendments thereto are hereby repealed.

26. EFFECT

- 26.1 This By-law shall become effective on the date of passage.

Passed this fifteenth day of January, 2019.

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WILLIAM G. MATSON, ACTING CITY CLERK

JAMES M. DIODATI, MAYOR

First Reading: January 15, 2019.

Second Reading: January 15, 2019.

Third Reading: January 15, 2019.