



**The Corporation of the City of Peterborough**

**By-Law Number 21-104**

Being a By-law to establish the Corporation of the City of Peterborough’s Rule of Procedure for Meetings of Council and applicable committees and to repeal By-law 19-029 as amended

**Whereas**, parliamentary procedures are rooted in principles designed to ensure the fair and efficient disposition of business before a deliberative body; and,

**Whereas**, the **Municipal Act**, 2001 provides that municipalities may pass by-laws respecting accountability and transparency or the municipality; and;

**Whereas**, Section 238 of the **Municipal Act**, 2001 requires a municipality to pass a by-law to govern the Rules of Procedure and public notice of its Meetings; and,

**Whereas** Council finds it appropriate to repeal Chapter 16 of the City of Peterborough Municipal Code, as amended.

**Now Therefore**, The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

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**1. Short Title**

1.1 This by-law may be referred to as the "Procedure By-law"

**2. Definitions**

**2.1 Act**

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

**2.2 Advisory Committee**

“Advisory Committee” means any advisory committee established by Council and does not include Standing Committees.

**2.3 Chair**

"Chair" the presiding officer at the Meeting.

**2.4 City**

“City” means the Corporation of the City of Peterborough.

**2.5 City Website**

“City Website” means the uniform resource locator (URL) [www.peterborough.ca](http://www.peterborough.ca).

**2.6 Clerk**

"Clerk" means the Clerk of the City and includes the persons from time to time acting as the Clerk.

**2.7 Closed Meeting**

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

**2.8 Confirming By-law**

“Confirming By-law” means a by-law passed for the purpose of giving effect to a previous decision or proceedings of Council.

**2.9 Council**

"Council" means the Council of the City.

**2.10 Delegation**

“Delegation” means, as the context may require, a person who addresses or seeks to address Council or a Standing Committee at a Meeting or the content of the person’s address to Council or Committee.

**2.11 Inaugural Meeting**

“Inaugural Meeting” means the first Meeting of Council after a regular election.

**2.12 Majority Vote**

“Majority Vote” means an affirmative vote of more than one-half of the Members present and voting.

**2.13 Mayor**

“Mayor” means the head of Council and includes the Members from time to time acting as the Mayor.

**2.14 Meeting**

“Meeting” means any Meeting of Council or of a Standing Committee where a Quorum is present, and at which Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of Council or the Committee.

**2.15 Member**

"Member" means a Member of Council.

**2.16 Motion**

“Motion” means a proposal by a Member to adopt, amend or otherwise deal with a matter at a Meeting.

**2.17 Motion to Reconsider**

“Motion to Reconsider” means a Motion to return to subject matter already disposed of at that Meeting.

**2.18 Motion to Rescind**

“Motion to Rescind” means to repeal or revoke a Resolution passed at a previous meeting by the same or previous Council.

**2.19 Municipal Corporation**

“Municipal Corporation” means the Corporation of the City of Peterborough.

**2.20 Other Business**

“Other Business” means the time at the Meeting to make announcements and to request direction and information from staff. Motions passed under Other Business for all other matters shall be made as a result of time sensitivity.

**2.21 Point of Order**

“Point of Order” means a Motion raised by a Member drawing attention to an infraction of this By-law.

**2.22 Point of Personal Privilege**

“Point of Personal Privilege” means a Motion concerning the health, safety, rights or integrity of the Members, the Council, a Committee or anyone present at a Meeting.

**2.23 Public Meeting**

“Public Meeting” means a Meeting held to hear public input, as may be prescribed by legislation or where public input is sought on a matter.

**2.24 Quorum**

“Quorum” means the number of Members required for the legal conduct of the business of Council or Committee. A majority of the Members shall constitute a quorum.

**2.25 Recorded Vote**

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

**2.26 Resolution**

“Resolution” means the decision of Council on any Motion, confirmed by by-law.

**2.27 Rules of Procedure**

“Rules of Procedure” means the rules and regulations of the Council of the City of Peterborough as provided in this by-law.

**2.28 Standing Committee**

“Standing Committee” means the standing committees of the Council of the City of Peterborough, which are:

- a) General Committee - to hold public Meetings pursuant to the Planning Act, to review, discuss and make recommendations to Council on community planning matters; to review and make recommendations to Council on matters related to the annual budget, long-term financial matters, financial reporting, control and risk; and all general municipal matters.
- b) Governance Committee – to carry out the duties and responsibilities of the Council, only under the following circumstances:
  - i) for the duration of an emergency which has been declared by the Mayor and/or his/her designate, in accordance with the City’s Emergency Plan; and
  - ii) at such times during which at least six Members of Council have died, or are otherwise not able, for valid reasons, to attend a properly scheduled Meeting of Council.

**2.29 Ultra Vires**

“Ultra Vires” means beyond the scope or in excess of legal power or authority.

**2.30 Two-Thirds Vote**

“Two-thirds vote” means an affirmative vote of at least two-thirds of the Members present and voting.

### 3. Waiving Rules

#### 3.1 Two-thirds vote

The rules and regulations contained in this by-law shall be observed in all proceedings of the Council, and, with necessary modifications, of its Standing and Advisory Committees, unless suspended by a Two-Thirds vote in any case, for which provision is not made herein.

#### 3.2 New Rules

Upon suspension, the new procedure to be followed shall be determined by a Majority Vote.

### 4. Scheduling of Meetings

#### 4.1 Inaugural

The Inaugural shall be convened by the Clerk in a manner consistent with the **Municipal Elections Act and the Municipal Act.**

#### 4.2 Regular Schedule

The next and each succeeding regular Meeting shall be held at such place within the City of Peterborough designated for such purpose by the Council and shall be held in accordance with the schedule of Meetings of Council and the Committees of Council prepared by the Clerk. General Committee and Council Meetings, open to the public, shall start at 6:00 p.m. unless otherwise noted. Meetings closed to the public and Finance Committee Meetings will be scheduled prior to 6:00 p.m., unless otherwise noted.

Electronic meetings are permitted in accordance with sections 33 and 34 of this by-law.

#### 4.3 Statutory Holidays

All regular Meetings shall be held on Mondays at the time prescribed by resolution of the Council and Standing Committees or unless such a day shall be a public or civic holiday, in which case the Council shall meet at the same hour on the next following day which is not a public or civic holiday, unless otherwise provided by resolution of the Council.

#### 4.4 July and August Meeting Schedule

Notwithstanding the provisions of Section 4.2 and 4.3 of this By-law, where practicable, there shall be a reduced Meeting schedule during the months of July and August.

#### 4.5 Notice - Regular Meeting

Notice shall not be required to be given of regular Meetings of the Council unless the day of Meeting is other than that provided by this by-law.

#### 4.6 Notice - Special Meetings

At least 48 hours notice of a special Meeting shall be given to each Member of the Council by delivery of the agenda of such Meeting.

#### 4.7 Special Meeting - Matters Considered

At a special Meeting of the Council, Council shall not consider or decide upon any matter unless specified in the

notice calling the Meeting.

**4.8 Special Meeting - Place**

Special Meetings may be held at any place within the City of Peterborough. The Emergency Governance Committee is exempt from this provision.

**4.9 Special Meeting - Without Notice**

With the consent of two-thirds (2/3) of all of the Members, a Meeting of the Council may be held without notice. The Emergency Governance Committee is exempt from this Provision.

**4.10 Meetings Open to Public - Exception**

Meetings shall be open to the public except as provided in Sections 4.11 and 4.12.

**4.11 Meeting Closed to Public**

A Meeting or part of a Meeting of the Council or its standing committees may be closed to the public if the subject matter being considered is in accordance with Section 239 of the Act.

**4.12 Closed - Resolution**

Prior to holding a Meeting, or part of a Meeting, which is closed to the public, Council or the Committee shall pass a resolution stating the fact of the holding of the closed Meeting and including the general nature of the matter to be considered at the closed Meeting.

**4.13 Agendas – Available**

Agendas for Council and Standing Committee Meetings shall be made available to Members of Council on the Wednesday preceding day of the Meeting and to members of the public on the Thursday preceding the day of the Meeting.

**5 Member Roles and Conduct - Chair**

**5.1 Open Meeting - call to order**

It shall be the duty of the Chair to open each Meeting by taking the chair and calling the Meeting to order.

**5.2 Duty of Chair - Motions**

It shall be the duty of the Chair to receive and submit to a vote, in the proper manner, all Motions which do not contravene the Rules of Procedure of the Council and to announce the results.

If business is arising from the debate of an agenda item from the same meeting at the discretion of the Chair a motion may be brought under Other Business as long as it pertains to an item on the agenda, with a majority vote.

**5.3 Motions - Declined**

It shall be the duty of the Chair to decline to put to a vote Motions that infringe upon the Rules of Procedure.

**5.4 Debate**

It shall be the duty of the Chair to restrain the Members, within the Rules of Procedure, when engaged in debate.

**5.5 Decorum**

It shall be the duty of the Chair to enforce on all occasions the observance of order and decorum among the Members.

**5.6 By-laws - resolutions - minutes - authentication**

It shall be the duty of the chair to authenticate, by his/her signature all by-laws of the Council.

**5.7 Point of Order**

It shall be the duty of the Chair to inform the Members on any point of order

**5.8 Adjourn**

It shall be the duty of the Chair to adjourn the Meeting without the question being put, or to suspend or recess the sitting for a time to be named if considered necessary because of grave disorder or emergency in the Meeting.

**6 Member Roles and Conduct – Mayor and Deputy Mayor**

**6.1 Appointment**

The Council shall, upon the recommendation of the Mayor, appoint a Member to act in the place and stead of the Mayor when the Mayor is absent from the municipality, or is absent through illness, or refuses to act.

**6.2 First Deputy Mayor**

The appointee set out in Section 6.1 shall be known as the First Deputy Mayor and shall have all of the duties, rights, powers and authority of the Mayor during such absence or refusal to act.

**6.3 Second Deputy Mayor**

In addition to the appointment of a First Deputy Mayor, the Council shall, by by-law, appoint a Member as Second Deputy Mayor, who shall have all of the duties, rights, powers and authority of the Mayor during the absence or refusal to act of both the Mayor and the First Deputy Mayor.

**6.4 Mayor - Ex-officio Member**

The Mayor shall be Ex-officio a Member of all special or ad hoc committees as may be established by Council from time-to-time. The Mayor has the ability to move resolutions and vote at these Meetings, but shall not be counted in the determination of Quorum.

**7 Conduct During Meetings**

**7.1 Sovereign - Royal Family**

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

**7.2 Offensive - Unparliamentary Language**

No Member shall use offensive words or unparliamentary language in or against the Council or against any Member.

**7.3 Conduct During Meetings /Speaking**

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

debate.

Members shall focus on issues not personalities. The motives of other speakers and staff shall not be called into question during debate. When referring to members of staff their title shall be used and when referring to members of Council personal names shall not be used as an example “the mover” or “the previous speaker”.

**7.4 Criticize Decision**

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

**7.5 Breach**

No Member shall disobey the rules of the Council, or a decision of the Chair or of the Council on questions of order or practice, or upon the interpretation of the Rules of Procedure. In the event a Member persists in any such disobedience after having been called to order by the Chair, the Chair may order that such Member leave his/her seat for the duration of the Meeting of the Council. If the Member offers an apology that is acceptable to the Chair he/she shall be permitted to retake his/her seat.

**7.6** Members of Council shall conduct themselves in accordance with the provisions in the Code of Conduct for Council.

**8 Order of Business – Council Meeting**

**8.4 Agenda**

The business of the Council shall in all cases, be taken up in the following order unless otherwise decided by the majority of the Members present:

Land Acknowledgement

Thirty Seconds of Silent

Reflection

National Anthem

Recognition of Constitution and Canadian Charter of Rights and Freedoms

- a) Adoption of Minutes
- b) Disclosure of Interest
- c) Registered Delegations - Items on the agenda
- d) Reports of Standing Committees
- e) Notices of Motion
- f) By-laws
- g) Other Business
- h) By-laws to Approve Actions of Council



i) Adjournment

**8.5 Call to Order**

As soon after the hour fixed for holding the Meeting of the Council, as there is a Quorum present, the Chair shall call the Members to order.

**8.6 Alternate Chair**

In the event of the Mayor not attending within fifteen (15) minutes after the hour fixed for holding the Meeting of the Council, and provided that a Quorum is present, the first or second Deputy Mayor shall take the chair and call the Members to order; and he/she shall preside until the arrival of the Mayor.

**8.7 Adjournment**

If there is no Quorum present within one-half (1/2) hour after the time fixed for holding the Meeting of the Council, the Clerk shall call the roll and take down the names of the Members present; and the Meeting shall stand adjourned.

**8.8 Opening of Meeting**

The Council Meeting shall commence with the following acknowledgment statement by the Chair:

“We respectfully acknowledge that we are on the treaty and traditional territory of the Mississauga Anishinaabeg. We offer our gratitude to the First Peoples for their care for, and teachings about, our earth and our relations. May we honour those teachings

We will now take 30 seconds to reflect on these principles.

The National Anthem will be sung.

The Council for the City of Peterborough recognizes the principles contained in our Constitution and the Canadian Charter of Rights and Freedoms.

**9 Meeting Records**

**9.4 Minutes**

**9.1.1 Contents**

The Clerk shall record in the minutes: the date, time and place of the Meeting; the attendance of Members; correction and adoption of the minutes of prior Meetings; and all other proceedings of the Meeting without note or comment, in accordance with the Act.

**9.1.2 Previous**

It shall be the duty of the Clerk to ensure that the minutes of the last regular Meeting and all Special Council Meetings be submitted to Council for confirmation or amendment at the next regular Meeting.

**9.1.3 Amendment**

The Clerk may amend by-laws, minutes and other

Council and Committee documentation for technical, typographical or other administrative errors and omissions for the purpose of ensuring an accurate and complete record of the proceedings.

**9.1.4 Posting**

Minutes of Meetings of Council, including Standing Committees, will be posted, either in draft or approved format, on the City's Website within seven business days of the Meeting.

**9.5 Video Streaming and Archiving**

9.2.1 The Clerk will endeavor to live stream and record Meetings.

9.2.2 The Clerk will endeavor to archive any live-streamed Meetings to the City Website.

**9.6 Declarations of Pecuniary Interest**

9.3.1 In addition to a verbal declaration, each Member must provide to the Clerk at the Meeting a written statement of the Member's pecuniary interest(s), if any, in accordance with the Municipal Conflict of Interest Act. The statement shall include a description of the general nature of the pecuniary interest(s) and a reference to the agenda item(s) to which the statement relates.

9.3.2 The Clerk will record declarations of pecuniary interest made by a Member at the Meeting in the Meeting minutes, noting the general nature of the pecuniary interest.

9.3.3 A registry of written statements and any relevant meeting minute extracts will be posted on the City Website in accordance with the Clerk's administrative procedures.

**10 Public Participation**

Members of the public have the ability to participate in Meetings by corresponding to or addressing Council as a Delegation.

**10.4 Correspondence**

**10.1.1 Written**

Every communication to be presented to the Council must be legibly written or printed, include the author's full name and current contact information, including the author's residential address, telephone number or e-mail address and must be filed with the Clerk.

**10.1.2 Matters on an Agenda for Submission to the Clerk**

Every communication, which deals with a matter on the Council agenda, shall be delivered to the Clerk not later than 12:00 noon of the Tuesday preceding the Meeting of the Council in order to be circulated to Members of Council for the Meeting.

**10.1.3 Matters not on the Agenda**

Any other communication will be forwarded to Council by the Clerk with their regular electronic mail and will not be

distributed with the Council or Committee agenda. If a Member wishes to address an item of correspondence, this matter shall be brought forward under Other Business at the appropriate Committee.

#### 10.1.4 **Language**

Notwithstanding 10.2.4., the Clerk may decide not to include any communication on a Council or Committee agenda if, in the opinion of the Clerk, the communication contains inappropriate language, or deals with a matter not within the jurisdiction of the Council or has already been dealt with by Council.

#### 10.1.5 **Electronic Communication to Council**

The City of Peterborough's online engagement site Connect Peterborough ([www.connectptbo.ca](http://www.connectptbo.ca)) shall provide an additional opportunity for public comment. Reports which are public meetings under the Planning Act, as well as other matters where considerable interest is anticipated, will have a location to specifically provide comment. The site will be available for comment from the day the agenda is publicly available until 11:00 a.m. the day of the meeting.

The comments made on the site will be provided to Council members and the general nature of comments as well as the number received, will be summarized at the Council meeting. The Connect Peterborough site offers another forum to provide official comment to Council.

### 10.2 **Delegations**

#### 10.2.1 **Registered**

Delegations for the purpose of making a verbal presentation with respect to items on the agenda shall be heard at the Council Meeting, with those Delegations having submitted their request in writing by completing an application (indicating the points they wish to bring to Council and whether they are in support of/or in opposition to the motion) to the Clerk by 11:00 a.m. on the day of the Meeting of Council,

Delegations shall be limited in their presentations to up a maximum of five minutes. Delegations shall be limited to speak to one item on the agenda.

Delegations will be grouped by topic/report. A maximum of ten (10) delegations per topic/report are permitted at Council meetings (this limit does not apply to delegations for public meetings under the **Planning Act** or other statutory public meetings).

A single delegation to an item shall be organized to speak first before proceeding to the larger list of speakers. Where the number of speakers to specific items is reasonably balanced, the delegation topics will be held in the order the report appears on the agenda.

Delegations attending Council or Standing Committee meetings must meet all requirements for attendance at City Hall, including public health restrictions.

Delegates shall provide their name and address during the meeting for the public record.

#### 10.2.2 **Public Meeting Under the Planning Act**

Persons (other than the Applicant) desiring to address Council at a

Public Meeting pursuant to the provisions of the **Planning Act** shall be limited in their presentations up to a maximum of five minutes.

#### **Material - Submitted**

A delegation wishing to have written material distributed to Council at the Meeting shall submit 20 copies of the material to the Clerk. If written copies are not provided the material will be provided electronically to Members by the Clerk.

In order to provide clarification to Council, the applicant or applicant's agenda shall be registered as the last delegation.

### **10.3 Presentations**

#### **10.3.1 Presentation submitted**

Any Delegation that would like to use a power point presentation at the Meeting must provide the presentation to the Clerk by 11:00 a.m. the day of the Meeting in order to ensure compatibility with City technology and consistency with any City policy relevant to the presentation at the Meeting. These presentations, which become part of the public domain, will not be uploaded to the City Website following the Meeting, rather, they will be distributed to Council or the public upon their request.

#### **10.3.2 Presentations by Invitation**

Formal presentations to Council or Standing Committee by invitation shall be limited to a maximum of up to ten minutes. These presentations will be posted to the City Website following the Meeting.

### **10.4 Petitions**

10.4.1 Petitions may be submitted to the Clerk and must include:

- a) Full name of each petitioner their respective residence address including city and telephone number or e-mail address;
- b) A clear statement of purpose;
- c) No content that, in the Clerk's determination, is disrespectful or offensive.

10.4.2 Delegations speaking to an item on a Council agenda may submit petitions to Council as part of their Delegation.

10.4.3 Petitions submitted to the Clerk will be forwarded to Council and relevant staff as correspondence.

## **11. Notice of Motion at Council**

#### **11.1 Deadline to Submit - Notice of Motion to Clerk**

A Member may introduce a Motion, other than a Motion to Reconsider, at a Meeting regarding a matter that would not otherwise be considered by Council at such Meeting, by delivering a written copy of the Motion, signed by the mover and seconder, to the Clerk, not later than 12:00 noon of the Tuesday preceding the Meeting.

#### **11.2 Notice**

The Clerk, upon receipt of a notice of Motion in accordance with Section 11.1 shall print the Motion in full in the agenda for the next regular Meeting of the Council.

**11.3 Consideration**

A notice of Motion shall not be considered or otherwise disposed of by the Council unless the Member who moves the Motion is in attendance at the Meeting.

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

Any Member may agree to second a notice of Motion if the seconder is absent from the Meeting when the notice of Motion is called for by the Chair.

**11.5 Removal**

A notice of Motion that has been called for by the Chair at two (2) Meetings of the Council and has not been proceeded with shall be removed from the agenda.

**12. Other Business**

**12.1 Council Meeting - Urgent**

A Member may, with Two-Thirds Vote, make a Motion under Other Business, which due to its nature cannot be properly presented at an appropriate Standing Committee Meeting. Council members shall endeavor to provide the proposed motion in writing to the Clerk's Office prior to the meeting.

Announcements or upcoming events may be noted. They will not be recorded in the minutes.

**13. By-Laws**

**13.1 Description**

All by-laws, together with a brief description and the notation of the number of readings required, shall be listed on the agenda for the Meeting at which they are to be read.

**13.2 Form**

Every by-law when introduced shall be in typewritten form and shall comply with all applicable requirements of law.

**13.3 Readings**

Every by-law shall be given first, second and third reading concurrently.

**13.4 Purpose**

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

**13.5 Debate**

A by-law may be debated or amended.

**13.6 Passed**

Every by-law passed by the Council shall be numbered and dated, and shall be sealed with the Seal of the Municipal Corporation and signed by the Mayor and the Clerk or appropriate officers and shall be kept by the Clerk in his/her office or any other place appointed for that purpose.

**13.7 Confirmation**

At the conclusion of all regular Meetings of the Council and prior to adjournment, a by-law shall be brought forward to confirm the actions of the Council at that Meeting in respect to each Motion, resolution and other action taken. A confirmation by-law when introduced, shall be taken as having been given three readings and shall be voted on without debate.

**14 Adjournment**

**14.1 Motion**

On Motion, which is non-debatable, approved by Majority Vote, the Meeting shall adjourn.

**14.2 Meeting - After 10:00 p.m.**

No item of business other than the Confirmatory By-law shall be considered at a Meeting of the Council after 10:00 p.m. local time unless otherwise decided by a Two-Thirds Vote.

**14.3** If a Motion to extend a Meeting past 10:00 p.m. does not carry, any outstanding items of business will be considered at a future meeting and those items that have been dealt with shall be confirmed by by-law.

**15 Rules of Debate**

**15.1 Address to Chair - remain seated**

Every Member prior to speaking to any Motion may remain seated and address the Chair.

**15.2 Order of Speaking**

The Chair shall recognize the Members in the order they indicate their desire to speak. Preference shall be given to those Members that have not spoken over those that have already spoken.

**15.3 Voting**

When the Chair calls for the vote on a Motion, each Member shall occupy his/her seat and shall remain there until the result of the vote has been declared by the Chair, and shall not make any noise or disturbance.

**15.4 Speaking - Interruption**

When a Member is speaking, no Member shall interrupt the speaker except to raise a question of privilege, appeal from the decision of the Chair, or raise a point of order.

**15.5 Motion Read Upon Request**

A Member may require a Motion under discussion to be read at any time during the debate but shall not interrupt a Member while speaking.

**15.6 Speaking - Limits**

No Member shall speak more than twice to the same Motion. No Member shall speak to any Motion for any one period exceeding five (5) minutes, provided that the Member, upon being advised by the Chair that five (5) minutes have elapsed, may elect to continue speaking for a maximum of another five (5) minutes, in which case the Member shall be deemed to have spoken twice.

**15.7 Question**

A Member may concisely ask a question through the Chair only for the purpose of obtaining information relating to the Motion under discussion, and the response shall be limited to five (5) minutes duration.

**15.8 Chair - Participation**

If the Chair desires to move a Motion, the Chair shall designate the Vice Chair or a Deputy Mayor to chair the Meeting until such time as the Motion is disposed of. The Chair may summarize the Chair's position on a matter prior to the vote, only after all Members have had an opportunity to speak.

**15.9 Valid Motion**

A Motion that, in the Chair's opinion, concerns a matter which is not within the jurisdiction of the Council shall not be in order. A Motion at a Council Meeting shall be seconded before it is debated or voted on.

**16 Voting**

**16.1 Chair**

The Chair, except where disqualified to vote by Statute or having declared a conflict, shall vote on all questions including voting on appeals to the decision of the Chair.

**16.2 Motion**

A Majority Vote is required to pass a Motion except as otherwise provided in this by-law or by Statute.

**Equal Vote**

In the case of an equal division of votes on a Motion, the Motion shall be deemed to have been lost.

**16.3 Voting Method**

The manner of determining a Motion shall be by electronic voting or a show of hands if necessary. All votes of Council and standing committees are recorded votes.

**16.4 Failure to Vote**

Each Member present, except a Member who is disqualified from voting by Statute, shall vote; and any failure to vote by a Member who is not disqualified shall be deemed to be a negative vote.

**16.5 Recorded Vote**

The Clerk shall record each vote.

**16.6 Division**

At the request of a Member, a Motion containing distinct proposals may be divided, and a separate vote shall be taken upon each such proposal.

**16.7 Order of Motions**

Except as otherwise provided in this By-law, the order of Motions shall be in accordance with Robert's Rules of Order.

**17 Motions**

**17.1 Adjournment**

**In Order**

A Motion to adjourn shall always be in order except as otherwise provided in this by-law.

**17.1.1 Negative**

A Motion to adjourn, when resolved in the negative, shall not be presented again until after some intermediate proceedings have been completed by the Council.

**17.1.2 Member Speaking**

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

**17.1.3 Affirmation Resolution - previous question – prohibited**

A Motion to adjourn shall not be in order immediately following a Motion to “put the question”.

**17.1.4 Non-debatable**

A Motion to adjourn shall not be debatable or amendable.

**17.2 Motion to Recess**

**17.2.1 Motion – Discretion of Chair**

A recess shall be convened either by Motion or at the discretion of the Chair.

**17.2.2 Length of time**

A Motion to Recess or a recess at the discretion of the Chair when other business is before the Meeting shall specify the length of time of the recess.

**17.2.3 Non-debatable**

A Motion to Recess, when other business is before the Meeting shall not be debatable and shall only be amendable with respect to the length of the recess.

**18 Motion to Appeal Decision of the Chair**

**18.1 Made at Time of Ruling**

A Motion to appeal from the decision of the Chair shall be made only at the time the ruling is made by the Chair and shall not require a seconder.

**18.2 Non-debatable**

A Motion to appeal from the decision of the Chair shall not be debated or amended

If a Member appeals to the Council, the Member shall have the right to state a case, the Chair shall have the right to reply; and the Council shall, by vote, decide the question without further debate, and its decision shall be final.

**18.3** The Chair shall vote on the appeal.

**19 Withdrawal of Motion**

**19.1 Motion by Mover**

A request to withdraw a Motion may only be made by the Member who moved the Motion. A request to withdraw a Motion may be made without the consent of the seconder of the Motion.



**19.2 In order**  
A request to withdraw a Motion shall be in order anytime during debate.

**19.3 Objection**  
If a Member objects to the withdrawal of a Motion, a withdrawal Motion may be entertained and becomes a main Motion.

**19.4 No Objection**  
If no Member objects to the withdrawal of Motion, the Motion shall be considered withdrawn without the necessity of a seconder and a vote.

## **20 Suspension of Rules**

**20.1 Requires Two-Thirds Vote**  
A Motion to suspend the Rules of Procedure shall not be debatable or amendable and shall require a Two-Thirds Vote. A Motion to Suspend the Rules of Procedure shall be undertaken with due consideration and shall not be abused by Members.

**20.2 Motion to Rescind - non-applicable**  
A Motion to Rescind a Resolution shall not be applied to a Motion to suspend the Rules of Procedure.

## **21 Call the Vote or To Put the Motion to a Vote**

**21.1 Non-debatable**  
A Motion to call the vote shall not be debatable or amendable.

**21.2 Amending Motion**  
A Motion to call the vote shall not be proposed when there is an amending Motion under consideration, except for the purpose of moving that the amending Motion be put.

**21.3 Priority**  
A Motion to call the vote shall preclude all further amendments of the main Motion.

**21.4 Resolved**  
When a Motion to call the vote is in the affirmative, the original Motion shall be put forward without debate or amendment.

## **22 Deferral/Referral**

**22.1 Debatable**  
A Motion to defer or refer a matter shall be debatable and amendable.

## **23 Motion to Amend**

**23.1 Debatable**  
A Motion to amend shall be debatable.

**23.2 Written**  
A Motion to amend shall be presented in writing when requested by the Chair.

### **23.3 Relevance**

A Motion to amend shall be relevant to the main Motion.

### **23.4 Contrary to Main Motion**

A Motion to amend shall not be in order if it is contrary to the main Motion.

### **23.5 Amended Once**

Only one amendment shall be allowed to an amendment.

## **24 Motion to Reconsider**

### **24.1 Reconsider Motion from Same Meeting**

A Motion to Reconsider:

- a) Is debatable,
- b) Cannot be amended,
- c) Must be made by a Member of Council who was on the prevailing side of the vote for the matter proposed to be reconsidered,
- d) Requires a Majority Vote,
- e) Cannot interrupt pending business,
- f) If voted on and lost, cannot be revisited.

## **25 Motion to Amend or Rescind a Resolution**

**25.1** Motions forwarded to Council from Standing Committees are not Motions to Amend or Rescind a Resolution.

**25.2** A Motion to amend or rescind a Resolution without notice at a previous Council meeting requires a Two-Thirds Vote.

**25.3** A Motion to amend or rescind a Resolution, introduced by way of a Notice of Motion at a Council Meeting, advising the Motion will be dealt with at a future Council Meeting, requires a Majority Vote.

**25.4** No Delegations shall be permitted to speak to a Notice of Motion to amend or rescind a Resolution. In the event Council revisits a Resolution, Delegations may speak to the Resolution to amend or rescind.

**25.5** If a Motion to Amend or Rescind a Resolution is decided in the affirmative:

- a) reconsideration of the Resolution shall become the next order of business, unless the Motion specifies the Resolution will be dealt with at a future date.
- b) The reconsideration renders the Resolution, either whole or in part, to not have occurred.

## **26 Lost Motions on Council Agenda**

**26.1** Where there are no recommendations proposed with Motions provided in reports by the standing committee, the Lost motion shall be added to the appropriate report on a Council agenda under the heading "Not Recommended by Committee".

**26.2** Lost Motions may be debated, amended, adopted by Council.

**26.3** Delegations may speak to Lost Motions at Council.

## **27 Question of Privilege**

### **27.2 Integrity**

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

## **28 Point of Order**

### **28.1 Rules of Procedure - Breached**

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

### **28.2 Improper Language**

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

### **28.3 Discussion**

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

### **28.4 Irregular Proceedings**

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

### **28.5 Decision Announced**

No further business shall be conducted until the Chair has decided and stated the point of order.

### **28.6 Address to Chair**

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

### **28.7 Decision of Chair - Final**

If no Member appeals, the decision of the Chair shall be final.

### **28.8 Appeal**

If a Member appeals to the Council, the Member shall have the right to state a case, the Chair shall have the right to reply; and the Council shall decide the question without further debate, and its decision shall be final.

## **29 Standing Committees**

### **29.1 Composition**

Standing Committees shall be comprised of all the Members of Council.

### **29.2 Appointment**

The Chairs of the Standing Committees shall be appointed by Council, on the recommendation of the Mayor.

### **29.3 Exception – Emergency Governance Committee**

Notwithstanding the provisions of Section 29.2, the Emergency Governance Committee shall be comprised of a minimum of three and a maximum of five Members of Council, and shall elect its own Chair.

**29.4 Delegation to Emergency Governance Committee**

Council delegates to the Emergency Governance Committee all powers and duties that may legally be delegated to the Committee pursuant to the **Act**, or any other applicable provincial or federal legislation, subject to the following conditions and restrictions:

- a) The delegation shall be effective only during the times specified in subsection 2.28 c), and
- b) The Committee shall conduct its Meetings in accordance with this by-law, providing that its Quorum shall be three.

**30 Committee Meetings**

**30.1 Committees**

Meetings of the Standing Committees shall be held at such time and place as specified on the schedule of Meetings of Council and the Committees of Council prepared by the Clerk. Advisory Committee Meetings shall be held at such time and place as specified on the schedule developed by the Advisory Committees and in conformance with the Standing Committees Terms of Reference.

**30.2 Meeting on Holidays**

All Meetings of the General Committee shall be held on Mondays, unless such a day shall be a public or civic holiday, in which case the Committee shall meet at the same hour on the next following day which is not a public or civic holiday, unless otherwise provided by resolution of the Committee.

**30.3 Agenda - deadline**

It shall be the duty of the Clerk to ensure that the minutes of the last regular Meeting of the General Committee, together with an agenda containing reports to be considered by the respective Committees, be made available to each Member the Wednesday preceding the day of the holding of such Committee Meeting.

Advisory committees shall include the City's land acknowledgement as part of their regular meeting agenda.

**31 Rules of Procedure - Committee**

**31.1 Observed**

The Rules of Procedure and the conduct of Members shall be observed in Meetings of the Standing Committees and Advisory Committees, with necessary modifications, and except as provided in this by-law.

**31.2 Motion**

A Motion shall not be seconded.

**31.3 Speaking Times**

No Member shall speak more than three times to the same Motion, and shall be limited to five (5) minutes on each occasion.

**31.4 Voting**

Voting shall be conducted electronically at Council and Standing

Committees whenever possible and recorded.

**31.5 Reconsideration**

At the request of any Member of the Committee present, any item already considered at that Meeting may be re-opened upon a Two-Thirds Vote.

**31.6 Statutory Hearings**

Hearings required by statute shall be undertaken in accordance with the prescriptions and procedure outlined in the statute or as otherwise directed by law.

**31.7 Consent Agenda**

Prior to the consideration of reports and recommendations, the Committee shall determine which such items require separate consideration. All items not requiring separate consideration shall be disposed of by one Motion prior to consideration of individual reports.

**31.8 Notice of Motion**

A Member may introduce a Motion at a Meeting regarding a matter that would not otherwise be considered by Committee as such Meeting, by delivering a written copy of the Motion, signed by the mover, to the Clerk, not later than 12:00 noon on the Tuesday preceding the Meeting.

A Notice of Motion shall not be considered or otherwise disposed of by the Council unless the Member who moves the Motion is in attendance at the Meeting.

A motion considered at Committee as a Notice of Motion shall be decided by a majority vote.

**31.9 Other Business**

A Member may, with two-thirds vote, make a Motion under Other Business, which, in the opinion of the Chair, is sufficiently urgent such that a Notice of Motion will not properly address the subject matter of the Motion.

Announcements or upcoming events may be noted. They will not be recorded in the minutes.

**32 Robert's Rules of Order**

In all unprovided cases in the proceedings of the any Meeting, resort shall be had to the Robert's Rules of Order (11<sup>th</sup> edition) as a rule for guidance on the question, and in such cases, the decision of the Chair shall be final.

**33 Electronic Meetings during a Declared Emergency**

33.1 In this section:

- a) "Electronic Means" includes any device, software or technology that, in the opinion of the Clerk, reasonably enables a person to hear the proceedings of a Meeting and to be heard during the proceedings of a Meeting.
- b) "Electronic Meeting" means a Meeting at which at least one Member participates by Electronic Means.

- c) “Emergency” means a period of time during which an emergency has been declared to exist in all or part of the City pursuant to the **Emergency Management and Civil Protection Act**, R.S.O. 1990, c.E.9.
  - d) “Meeting” is as defined pursuant to subsection 238(1) of the **Act** and includes a meeting that is closed to the public in accordance with the **Act**.
- 33.2 Subject to this section 33, Electronic Meetings may be conducted during an Emergency.
- 33.3 A Member who participates in an Electronic Meeting by Electronic Means will be counted for purposes of quorum at the Electronic Meeting and may vote as if the Member were attending the Electronic Meeting in person.
- 33.4 Where, in the opinion of the Mayor in consultation with the Clerk and with such others as the Mayor may determine, the circumstances of the Emergency are such that compliance with the **Act’s** open meeting requirements may pose a risk to members of the public, City staff or Members, the Mayor may direct the Clerk to restrict or prohibit physical attendance by members of the public to the place of the Meeting, subject to the following:
- a) The Clerk may employ Electronic Means to reasonably facilitate the participation of members of the public at the Meeting.
  - b) The public notice of the Meeting will include such information as the Clerk determines will reasonably inform the members of the public respecting the use of Electronic Means.
  - c) Requests for Delegations must be written and submitted to the Clerk’s office by e-mail at [clerks@peterborough.ca](mailto:clerks@peterborough.ca) no later than 11:00 a.m. prior to the commencement of the Meeting.
  - d) Delegations may be written but must be submitted with the delegation request. The Clerk will distribute written delegations to Members prior to the Meeting. The Mayor or Chair, as applicable, will identify by name the author of each written delegation but the written delegation will not be read at the Meeting. Alternatively, delegations may be made orally but only if the Electronic Means employed by the Clerk accommodate oral participation at the Meeting. Oral delegations must not exceed five minutes in duration.
  - e) Unregistered delegations are not permitted.
- 33.5 This section 33 prevails to the extent of any inconsistency between this section 33 and any other section of this By-law.
- 33.6 This section 33 applies, with necessary modifications, to meetings of Advisory Committees.

## 34 Electronic Meetings

- 34.1 In this section, “Electronic Means”, “Electronic Meeting” and “Meeting” areas defined in paragraphs 33.1(a), (b) and (d), respectively.

- 34.2 Subject to this section 34, Electronic Meetings may be conducted.
- 34.3 A Member who wishes a Meeting to be an Electronic Meeting and intends to participate in the Meeting by Electronic Means must give to the Clerk written notice of the Member's intention as soon as is practicable and, in any event, no later than two (2) days prior to the commencement of a regular Meeting and no later than six (6) hours prior to the commencement of a special Meeting failing which the Member is not entitled to participate in the Meeting by Electronic Means.
- 34.4 A Member who participates in an Electronic Meeting by Electronic Means will be counted for purposes of quorum at the Electronic Meeting and may vote as if the Member were attending the Electronic Meeting in person.
- 34.5 This section 34 applies, with necessary modifications, to meetings of Advisory Committees.

### **35 Repeal - Enactment**

- 35.1 **Repeal**  
That By-law 19-029 as amended be repealed.
- 35.1 **Effective date**  
This By-law shall come into effect on the date of passage.

By-law passed this 29<sup>th</sup> day of November, 2021.

(Sgd.) Diane Therrien, Mayor

(Sgd.) John Kennedy, City Clerk