

THE CORPORATION OF THE CITY OF CORNWALL

By-law # 2012-058

A Bylaw to Govern the Proceedings of the Council of The Corporation of the City of Cornwall

WHEREAS The Ontario Municipal Act, 2001, authorizes the Council of every municipality to pass bylaws for governing the proceedings of its Council, the conduct of its members and the calling of meetings; and

WHEREAS Section 238 (2) further indicates that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings; and

WHEREAS The Council of the Corporation of the City of Cornwall considers it advisable to pass such a bylaw; and

WHEREAS The Council shall also follow the regulations as set out within the *Municipal Conflict of Interest Act* ; and the parliamentary authority of Roberts Rules of Order, latest edition now, therefore, be it

RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE CITY OF CORNWALL ENACT AS FOLLOWS:

**ARTICLE I
SHORT TITLE**

Citation

This Chapter may be referred to as the Procedural By-Law

**ARTICLE II
INTERPRETATION**

2.1 Abstention – defined

“Abstention” means a refusal to vote either for or against a proposal.

2.2 Act - defined

Act means the Municipal Act, 2001, as amended from time to time

2.3 Acting Mayor - defined

Acting Mayor means the Member of Council appointed, under the By-Law to act from time to time in the place and stead of the Mayor.

2.4 Ad Hoc Committee - defined

Ad Hoc Committee means a committee appointed by Council from time to time, to act on a temporary or singular issue and shall be discontinued by Council when their recommendations upon the specified initiative or matter have been provided, and dealt with by Members of Council and further recommendations are no longer required.

2.5 Advisory Committee - defined

Advisory Committee means a committee appointed by Council to act in an advisory capacity to Council on operational and strategic issues during the full term of Council;

2.6 Chair - defined

Chair means the Mayor or Acting Mayor or Chairman at the meeting

2.7 Chief Administrative Officer - defined

Chief Administrative Officer means the Chief Administrative Officer (CAO) of The City of Cornwall, designated by By-law.

2.8 Clerk - defined

Clerk means the Clerk of The Corporation of the City of Cornwall, appointed by Bylaw.

2.9 Committee - defined

Committee means – all Committees and Local Boards established by resolution of Council.

2.10 Committee Chair or Chair - defined

Committee Chair or Chair means the Chair of a Standing Advisory or Special Committee appointed by Council.

2.11 Committee of the Whole - defined

Committee of the Whole means all the Members present sitting in Committee of the Whole of Council

2.12 Council - defined

Council means the Council of The Corporation of the City of Cornwall, which was elected by the registered voters or who has been appointed by virtue of a vacancy.

2.13 Debate- defined

Debate means a discussion to put forth reasons for or against, in which a difference of opinion is expressed.

2.14 In Camera- "Executive Committee Meeting" - defined

In Camera or Executive Committee Meeting means a meeting, or portion of a meeting, closed to the general public

2.15 Local Board - defined

Local Board means a municipal service board, transportation commission, board of health, planning board, or any other board commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board, a conservation authority, a public library board and a police services board.

2.16 Meeting - defined

Meeting means any regular, special, committee, or other meeting when a majority of the members of Council are present;

2.17 Member - defined

Member means a Member of the Council of The Corporation of the City of Cornwall.

2.18 Municipal Corporation - defined

Municipal Corporation means The Corporation of the City of Cornwall

2.19 Point of Information- defined

Point of Information means a request through the Chair or another Member, for information relevant to the business at hand, but not related to parliamentary procedure.

2.20 Point of Order - defined

Point of Order means a matter that a Member considers to be a departure from or contravention of the rules, procedures or generally accepted practices of Council.

2.21 Question of Privilege - defined

Question of Privilege means a matter that a Member considers to question their integrity or the integrity of Council, which relates to the rights and privileges of the Assembly or any of its Members to be brought up for possible immediate consideration because of its urgency.

2.22 Position or opinion - defined

Position or opinion means something believed or accepted as true by a person

2.23 Presiding Member - defined

Presiding Member means the Mayor or Acting Mayor or Chair of the meeting.

2.24 Recorded Vote - defined

Recorded vote means the making of a written record of the name and the vote of each member who votes on a question.

2.25 Rules of Procedure - defined

Rules of Procedure means the Special rules and regulations of the Council of The City of Cornwall, as provided for within this Bylaw.

2.26 Special Committee – defined

Special Committee means special committees of the Council of The City of Cornwall, where one or more Members of the Council participate, but not all Members of the Council, as well as the appointment of non-members and who assemble to discuss a particular subject matter of interest to the Council.

2.27 Standing Committee - defined

Standing Committee means the standing committees of the Council of The City of Cornwall, where all Members of the Council.

2.28 Time - defined

Time in this By-law shall be governed by the Time Act.

ARTICLE III

GENERAL PROVISION

3.1 Suspension - Rules Regulations - applicable - two-thirds vote

The rules and regulations contained in this Bylaw shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business of all Council meetings and in Committees, provided that the rules and regulations contained herein may be suspended by a two-thirds (2/3) vote of Members of the Council in any case for which provision is not made herein and shall not be debatable or amendable.

3.2 Calculation - two-thirds vote

The calculation of two-thirds vote shall be rounded upwards to the next highest decimal

3.3 Parliamentary Authority

The governing legislation, the Procedural Bylaw, or any standing or special rules of order adopted by The Corporation of the City of Cornwall shall govern the procedures of Council. Where inconsistencies exist, the current edition of *Roberts Rules of Order* will be the parliamentary authority which governs the proceedings of The Corporation of the City of Cornwall.

ARTICLE IV

MEETINGS

4.1 Inaugural - time - place - held

The Inaugural Meeting of the Council, following a regular election, shall be considered the Council's First meeting and shall be held on the First day in December, of an election year, beginning at 7:00 p.m., in accordance to the *Municipal Elections Act* Sec.16.

4.1.1 Inaugural Agenda

The Mayor- Elect and the Clerk shall be responsible for the content of the Agenda of the Inaugural Meeting and the arrangements for the Inaugural proceedings.

4.2 Regular - schedule - designated - time

The next and each succeeding regular meeting shall be held on the second and fourth Mondays of each month, commencing at 7:00 p.m. At such place within the City of Cornwall 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.

4.3 Other - on holidays - by resolution

All regular meetings shall be held on Mondays at the time prescribed by resolution of the Council or unless such a day is identified as 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 March, July, August and December - exception to meetings

Notwithstanding the provisions of Section 4.2 and 4.3 of this Bylaw, there shall be one meeting of Council in the month of March, which shall be held on the fourth Monday of the month; and during the months of July, August and December the meeting shall be held on the second Monday of each month. Should the meeting fall on a public or civic holiday, the Council shall meet at the same hour on the next following day, which is not a public or civic holiday.

4.5 Notice - Public Meeting

Notice shall be given of all public meetings of the Council on the previous Agenda detailing the Order of Business, immediately following the *Confirming Bylaw* unless the day of meeting is other than that provided by this Bylaw as identified under Sections 4.1, 4.2, 4.3 and

4.6 Special Meetings

4.6.1 Special Meetings - Mayor

In addition to Public Meetings, the Mayor may at any time summon a Special Meeting of Council by giving direction to the Clerk stating the date, time and purpose of the Special Meeting.

4.6.2 Special meeting - Members of Council

Upon receipt of the petition of the majority of the Members, the Clerk shall summon a Special Meeting for the purpose and at the date and time mentioned in the petition.

4.6.3 Notice - by Clerk

The Clerk shall give all Members notice of a Special Meeting of Council at least twenty-four (24) hours before the time appointed for such meeting.

4.6.4 Delivery - Notice

Notice may be given by delivering a notice personally to a Member by leaving such notice at his/her residence or place of business, or by facsimile transmission to such residence or place of business, or by electronic mail to such residence or place of business, or by telephone.

4.6.5 Nature of Business - Notice

The written or verbal notice shall indicate the nature of the business to be considered, date, time and place of the Special Meeting.

4.6.6 No other business

No business other than that indicated in the written or verbal notice shall be considered at the Special Meeting.

4.6.7 Special meeting - place

All Special Meetings of Council shall be held at the location of the last regular meeting of Council, unless an alternative location is specified in the notice of meeting.

4.7 Emergency Meeting - notice not required

Notwithstanding any other provision of this By-law, an Emergency Meeting may be held, without written notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk or her/his designate to notify the Members about the Meeting as soon as possible and in the most expedient manner available.

4.8 Location - Council Meeting

All Council meetings shall be held within the Council Chambers located at City Hall, save and except the Inaugural Meeting that shall be held at the Cornwall Civic Complex. In the event of an Emergency declared by the Head of Council or any other Lead Agency as identified with the *Emergency Management Act* within the confines of a declared emergency, where City Hall is not accessible, the Council shall be asked to meet at an identified location accessible by Members of Council.

4.9 Open - to public - Council - Committees - exception

Meetings of the Council and its standing committees shall be open to the public except as provided in Sections 4.10 and 4.11; and as provided for under section 239(2) and (3) and (3.1) of the *Municipal Act* .

4.9.1 Meetings Open to Public - Record

All Council Meetings open to the public shall be recorded without note or comment on all resolutions, decisions and other proceedings and shall also be electronically recorded and kept for archival purposes.

4.10 Closed - to public - In Camera "Executive Committee" Meeting subject matters

1. 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:
2. The security of the property of the municipality or local board.

3. Personal matters about an identifiable individual, including municipal or local board employees.
4. A proposed or pending acquisition or disposition of land for municipal or local board purposes
5. Labour relations or employee negotiations
6. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board
7. The receiving of advice that is subject to solicitor, client privilege, including communications necessary for this purpose.
8. A matter in respect of which a Council, local board, committee or other body has authorized a meeting to be closed under another Act.
9. A matter relating to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if Council is designated as head of the institution for the purposes of the Act.
10. Educational or training session
11. A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
12. The meeting is held for the purpose of educating or training the members; and
13. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision – making of the council, local board or committee.

4.11 Closed - to public - resolution

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

4.12 In Camera Meeting - closed to public - Time

In Camera meetings, shall commence at a time prescribed by the City Clerk and/or Chief Administrative Officer upon consultation with the Mayor and the meetings shall be adjourned no later than 6:50 p.m.

4.13 In Camera "Executive Committee" Meetings records

All In-Camera meetings closed to the public shall be recorded without note or comment on all resolutions, decisions and other proceedings.

4.14 Confidential Matters

Members are to ensure that confidential matters disclosed to them during closed Executive meetings are kept confidential. Any member, who contravenes the confidentiality clause, may be subject, by majority vote of the Council, to penalties in accordance to section 7.9.2.

4.15 Orientation Meeting

An Orientation meeting of the Council, shall be considered as an information meeting to newly elected Members of councils in order to provide Members with the general process of what an elected Member could expect such as the Inaugural meeting process, how many committees they may be sitting on as Council representatives and how that translates into meetings, process of a council meeting, protocol, dress codes, payroll and overview of the budget process etc...

ARTICLE V ROLES

5.1 Council

It is the role of Council:

to represent the public and to consider the well-being and interest of the municipality
to develop and evaluate the policies and programs of the municipality
to determine which services the municipality provides;
to ensure that administrative practices and procedures are in place to implement the decisions of Council;
to maintain the financial integrity of the municipality; and
To carry out the duties of Council under this or any other Act.
to direct staff, by majority vote, to perform such duties as is necessary to the efficient management of the affairs of the community
To direct staff, by majority vote, to research such matters as the Council deems necessary.

5.1.1 Individual Authority - not provided

No individual Council Member may direct any member of the staff to perform such duties that have not been authorized by resolution of the Council.

5.1.2 Established Policies - Members - respect

Members of Council shall respect and adhere to the Policies set by the Council and under no circumstances take it upon themselves individually to circumvent established Policies.

5.1.3 Council - liaison - with CAO

Council Members will liaise with the Chief Administrative Officer.

5.1.4 Information - by Staff - Members of Council

Council members may request information from members of staff who have been assigned the responsibility of providing information, such as meeting times, copies of documents, information on standard operating procedures.

5.1.5 Questions - operational concerns - complaints

Questions or issues surrounding operational concerns or complaints, excluding basic issues covered in section 5.1.4 shall be directed to the Chief Administrative Officer, who will then direct the questions or issues to the appropriate Manager.

5.2 Head of Council

It is the role of the Head of Council:

- a) To act as Chief Executive Officer of the municipality;
- b) To preside over Council meetings;
- c) To provide leadership to the Council;
- d) To represent the municipality at official functions; and
- e) To carry out the duties of the Head of Council under this or any other Act.

5.3 Chief Administrative Officer

It is the role of the Chief Administrative Officer:

To exercise general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality and the staff placed under his supervision; and

To perform such other duties as assigned by the Municipality.

5.4 Clerk

It is the role of the Clerk:

To record, without note or comment, all resolutions, decisions and other proceedings of the Council

If required by any member present at a vote, to record the name and vote of every member voting on any matter or question;

To keep the originals or copies of all by-laws and of all minutes, of the proceedings of the Council;

To perform other duties required under this Act or under any other Act; and

To perform such other duties as are assigned by the Municipality.

5.5 Administration - Officers, Employees

It is the role of the officers and employees of the municipality:

To implement Councils decisions and establish administrative practices and procedures to carry out Councils decisions;

To undertake research and provide advice to Council on the policies and programs of the municipality; and

To carry out other duties required under this or any other Act and other duties assigned by the municipality.

ARTICLE VI DUTIES

6.1 COUNCIL

6.1.1 Preparation of Members to Council Meeting

Members of Council shall come prepared to every meeting by having read all the material supplied, including agendas and staff reports, to facilitate discussion and the determination of action at the meeting. Whenever possible, the Member(s) shall make inquiries of staff regarding materials supplied in advance of the meeting

6.1.2 Requests for substantive reports

All requests for substantive reports shall be by Council resolution which shall identify the appropriate Department or Manager and objectives of the report.

6.1.3 Interference - direct

No Member(s) shall have the authority to direct or interfere with the performance of any work by Administration for the City of Cornwall. All inquiries shall be directed through the Office of the Chief Administrator.

6.2 MAYOR & COMMITTEE CHAIR

6.2.1 Open Meeting - call to order

The Mayor or Committee Chair shall preside over the conduct of Meetings, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the Meeting, subject to an appeal to the Council or Committee, as the case may be.

6.2.2 Recognize speakers

The Mayor or Committee Chair shall recognize any Member of Council or Committee (as the case may be) who wishes to speak and determines the order of the speakers.

6.2.3 Motions - received - submitted - results announced

The Mayor or Committee Chair shall receive and submit in the proper manner, all motions presented by the Members and to put to vote all questions, which are duly moved, and to announce the result.

6.2.4 Mayor may speak or vote

The Mayor or Committee Chair may speak and/or vote on any question, but if they wish to make a motion they shall first leave the Chair by designating the Acting Mayor, and if the Acting Mayor is absent, by designating another Member to act in their stead until they resume the Chair.

6.2.5 Debate - enforce rules - restrain members

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

6.2.6 Decorum - order - enforced

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

6.2.7 By-laws - resolutions - minutes - authentication

It shall be the duty of the Chair to authenticate, by his signature when necessary, all by-laws, resolutions and minutes of the Council.

6.2.8 Point of Order - inform members

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

6.2.9 Disorder - adjourn - suspend - recess - meeting

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 arising in the meeting.

6.3 Head of Council (Mayor) - Acting

6.3.1 Appointment - upon recommendation

The Council shall, on a yearly basis, appoint by By-law, Members of Council, to act in the place and stead of the Head of Council when the Head is absent from the municipality, or is absent through illness, or refuses to act.

6.3.2 Duties - powers - authority

The Acting Mayor while performing the duties in the place of the Head of Council shall have all of the duties, rights, powers and authority of the Head of Council during the absence, illness or refusal to act by the Head of Council.

Article VII

CONDUCT DURING MEETINGS

7.1 Sovereign - Royal Family - to be respected

No Member shall speak disrespectfully of the reigning Sovereign or of any of the Royal Family or of the Governor General, the Lieutenant Governor or 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 Members of Council - Municipal Staff

No Member shall speak disrespectfully nor shall they use offensive words in or against Members of the Council or any member thereof including Municipal Employees

7.3 Speaking - subject in debate only

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

7.4 Criticize - decision - exception - reconsideration

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

7.5 Breach - persistent - seat vacated - unless apology

Members shall refrain from harmful conduct to the Corporation or its purposes.

No Member shall breach the rules of the Council, or a decision of the Chair or of the Council as a whole on questions of order or practice, or upon the interpretation of the rules of Council; and in the case where a Member persists in any such breach after having been called to order by the Chair, the Chair may order that such Member leave his seat for the duration of the meeting of the Council; but if the Member apologizes he shall be permitted to retake his seat.

7.6 Dress Code - Regular - televised - council meetings

All Members of Council shall wear proper business attire (ties optional) during regularly scheduled meetings, Special Council meetings and Executive (In-Camera) Committee of Council meetings.

7.7 Dress Code – Saturday – Budget meetings

During any Saturday or Budget meeting, Members of the Council may, if they so choose, wear a Business Casual attire, which shall mean clothing that is less formal than the regular Business Attire yet more presentable than dress down jeans.

7.8 Head Dressing

During the conduct of any meeting of the Council, wearing of any hats, other than for religious purposes, are strictly forbidden by any member of the Council, Administration or member of the public.

7.9 Code of Ethic Confidentiality

7.9.1 Executive (In Camera) subjects - public interest

Upon completion of In Camera Committee of Council meetings, the decisions of the Council with respect to any of the enumerated items listed in Section 4.10, and directions to City Administration in accordance therewith, shall then be reported publicly by Council to the extent that the public interest permits.

7.9.2 Council response – Executive Committee Meetings (In Camera) - enquiries

The response of Council Members to enquiries about any matter dealt with during an In Camera closed meeting, prior to it being reported publicly, shall be this matter is still under advisement, no comment, or words to that effect.

a) Violation of regulation

Any violation of process to this regulation will result in exclusion of the offending Council Member, requiring a two-thirds vote, from future closed meetings of Council and that Member shall no longer be provided with correspondence, materials or information proposed to be dealt with by Members of Council at a closed meeting.

b) Exclusion - closed meetings

The determination of whether or not a violation of process to the closed meeting provisions of this Bylaw and the length of the exclusion from closed meetings, if so determined, shall be made by Council at a closed meeting and the issues shall be considered by Council prior to the affected Member being excluded from any closed meeting by a two-thirds vote. The results of Councils deliberation shall be reported out publicly.

c) Separate Resolution - per Member

If the purported violation of the process to the closed meeting provisions of this Bylaw by more than one Member is to be considered, a separate resolution of Council with respect to each affected Member is to be considered.

d) Member not permitted to vote

Notwithstanding Section 7.9.2 sub-section (c), the Member affected shall not be permitted to vote on a motion respecting his purported violation of the closed meeting provision of the Procedural By-law, his exclusion from closed meetings, or the length of any such exclusion.

e) Release of Information

The release of any information about matters dealt with by Council at a closed meeting shall be by the Mayor or his delegate only upon direction of the majority of Council.

f) Member - expresses - personal position

Notwithstanding Section 7.9.2 sub-section (b), unless Council by vote determines otherwise, upon the public disclosure of any report discussed In Camera during a Committee of Council meeting, any individual Member may express their own personal position on the item, but shall not refer to or discuss the specific positions or opinions (written or verbal) of other Members or of City Staff.

g) No release – public

Agendas or any items thereon for consideration by Council at an In Camera Committee of Council closed meeting shall not be released to the public.

h) Obligation – confidentiality

It is the obligation of each Member of Council to keep information confidential and this obligation continues even after the member ceases to be a Member of Council.

Article VIII

RULES OF DEBATE

8.1 Chair - preserve order

The Mayor/Chair shall preserve order and decorum and decide questions of order subject to an appeal to the Council/Committee by any Member.

8.2 Address to Chair

Any member, previous to speaking on any motion, shall indicate their desire to speak by the raised hand and shall not rise to speak until recognized by the Chair.

8.3 Order - of speaking - determination

The Chair shall recognize the Members in the order they indicate their desire to speak, be acknowledged by the Chair and shall address the Mayor/Chair.

8.4 Voting - members - seated - disturbance - prohibited

When the Chair calls for the vote on a motion, each Member shall occupy his seat and shall remain there until the result of the vote has been declared by the Chair, and during such time no Member shall walk across the room to speak to any other Member or make any noise or disturbance.

8.5 Speaking - passing between Chair - interruption

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

8.6 Speaking - motion - read - upon request

Any Member may require a motion under discussion to be read at any time during the debate but not so as to interrupt a Member while speaking.

8.7 Speaking - duration - time limit - 3 minutes

No Member of Council shall speak more than once to the main question without approval of the Council, except in explanation of a material part of his speech which may have been misunderstood, but they may not introduce new matter. A right of reply shall be allowed to a Member who has made a substantive motion to Council, and no Member shall, without leave of the Council, speak to the same question or in reply for longer than three (3) minutes.

8.8 Question - motion under discussion - through Chair

A Member may concisely ask a question through the Chair only for the purpose of obtaining information relating to the motion under discussion.

8.9 Question - integrity of Staff

A Member, while asking questions through the Chair, shall at no time put into question the Municipal Employees personal or professional integrity.

8.10 Chair - participation - step down - other designated

If the Chair desires to leave the chair for the purpose of debate or moving a motion, the Chair shall designate another Member to Chair the meeting until such time as the motion(s) and any subsidiary motion(s) applicable to the main motion are disposed.

8.11 Motion - seconded - before debate

A motion shall be seconded before it is debated or voted on.

Article IX

ORDER OF BUSINESS

9.1 Agenda - Content

The Business of the Council shall in all cases, be taken up in the following order unless otherwise decided by two-thirds of the Members present.

Invocation

National Anthem

Roll Call

Additions, Deletions or Amendments

Disclosure of Interest

Committee of the Whole

Adoption of Minutes

Special Presentations (ceremonial in nature)

Consent reports

Resolutions - Business arising from Notice of Motions

Reports from Unfinished Business

Reports from Administration – Communications

Tenders

Bylaw Readings

Presentation and Delegations

New Business

Pending Business
Notices of Motion
Special/Ad-Hoc Committee Reports
Confirming Bylaw
Next Meeting
Adjournment

9.1.1 Delivery of Agenda

The agenda will be delivered by electronic transmission (e-genda) to each Member of Council by the Clerks Department no later than Thursday evening, preceding the scheduled Public Council Meeting. Exceptions may be allowed when preparations of the Council Agenda falls on a week providing four work days, due to Statutory Holidays. The Agenda may be delivered on the preceding Friday. The agenda will also be available to Administration and the Media by electronic format after it has been delivered to Members of Council.

9.1.2 Invocation - National Anthem - commencement of meeting

The council meeting shall commence with Invocation, followed by the singing of the National Anthem, *O Canada* .

**Article X
QUORUM**

10.1 Call to Order - quorum present

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.

10.2 Quorum

A majority of the Members elected (50% +1) to the Council shall constitute a quorum.

10.3 Quorum - not present - time limit

If there be no quorum present within fifteen (15) minutes 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 until the next regular meeting, or at the call of the Chair.

10.4 Mayor - absent

In the case 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 Acting Mayor shall take the Chair and call the Members to order; and he/she shall preside until the arrival of the Mayor.

10.5 Mayor - Acting Mayor - absent

In the absence of the Mayor and Acting Mayor, and if a quorum is present, the Clerk shall call the Members to order. A Chairperson shall be chosen from among the Members present, who shall preside over the meeting until the arrival of the Mayor or Acting Mayor.

10.6 Quorum - Municipal Conflict of Interest - remedy for lack

Where the number of members who, by reason of the provisions of the *Municipal Conflict of Interest Act*, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or Special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than five (5).

Article XI

COMMITTEE OF THE WHOLE

11.1 Committee of the Whole - Mayor presides

When the Council enters into the Committee of the Whole, the Mayor at any time may preside or may leave the Chair, but if the Mayor leaves the Chair, he/she shall first appoint the Acting Mayor as Chairperson of the Committee who shall maintain order and who shall report the proceedings thereof.

11.2 Reports to be considered

While in Committee of the Whole, the following reports shall be considered: Adoption of minutes, presentation, delegations, resolutions / business arising from notice of motions, consent/correspondence, unfinished business reports, communication reports, tenders and request for proposal reports and bylaws.

11.3 Reading – Bylaws

It shall not be necessary to have the Bylaws read in their entirety unless a majority vote by the Council requires that the Bylaws be read or a particular bylaw be read.

11.4 Debate - Bylaws - Third Reading

Any Bylaw may be debated at the Third Reading of the Committee of the Whole and is subject to amendments or referred for future consideration and re-introduced in the same manner or in an amended matter at a future meeting within a quarterly time period.

Article XII

MINUTES

12.1 Contents - recorded - by Clerk

The Clerk shall prepare and cause the minutes to be taken of each Meeting of Council which shall include:

The place, date and time of the meeting;

The names of the presiding officer or officers and the record of the attendance of the Members; should a Member enter after the commencement of a Meeting or leave prior to adjournment, the time shall be noted;

All other proceedings of Council without note or comment.

12.2 Included in Agenda

Minutes of the last regular meeting of Council and of all Special Council Meetings held subsequent to the last regular meeting, shall be included in the agenda and may be adopted by Council without having been read at the Meeting at which the question of their adoption is considered.

12.2.1 Should a Special meeting be held during or after final preparations of an agenda for an upcoming regular meeting, the minutes of those special meetings shall be scheduled at the next regularly scheduled meeting.

12.3 Adoption - without reading

The Council minutes may be adopted by the Council without being read.

12.4 Executive (In Camera) minutes - adoption

All minutes for Executive Committee Meetings shall be presented to Members of the Executive Committee for adoption at the next scheduled executive meeting.

12.5 Minutes - confirmation - signing

When the minutes have been adopted, they shall be signed by the Mayor and the Clerk.

ARTICLE XIII

PRESENTATIONS - DELEGATIONS

13.1 Heard - request submitted - deadline - items on agenda

Persons desiring to address Council for the purpose of making a verbal presentation with respect to items for Council consideration that fall under the Council's mandate shall be heard at the Council meeting, with those delegations having submitted their request in writing to the Clerk by 12:00 noon on the Tuesday preceding the meeting of Council, being heard first, in the order in which such requests are received by the Clerk.

13.2 Material - written - submitted for Council deadline

Where possible, written material to be distributed to Council shall be submitted to the Clerk by 12:00 noon on the Thursday preceding the meeting of Council and the notice shall specify clearly the business to be presented, who the spokesperson shall be, the date at which the delegation wishes to be entertained.

13.3 Presentation defined

A request made for a presentation may be made by the Council to an individual, group or organization or to the Council by individuals, groups or organizations for matters that fall under the Council's mandate. Should the request for presentation be made where it requires that action be taken by the Council, the request shall be made under Delegations.

13.3.1 Presentations – ceremonial or financial statements

Presentations of a ceremonial nature or the annual presentation of Consolidated Financial Statements by the municipal Auditor shall be heard at the beginning of a Council meeting, immediately following the adoption of minutes.

13.3.2 Presentations - time limit

Council shall hear any presentation for information purposes only, and presentations shall be limited to a maximum of ten (10) minutes.

(a) **Exceptions** of the ten (10) minute time frame are provided to the City's Auditor upon its annual presentation of The Corporation's Financial Statement.

(b) Spokesperson - presentation and/or delegation

An organized body wishing to address Council as a presentation and/or delegation, regardless of the number of spokespersons shall be limited to a maximum of ten (10) minutes.

13.3.3 Restrictions and permission

Presentations and/or Delegations shall not be permitted to appear before council for the sole purpose of generating publicity for an event, or to promote their business.

a) Number of Presentations and/or Delegations - meetings

On any given scheduled Council meeting, there shall be a maximum of three (3) combined presentation and/or delegation permitted to speak for a maximum time allotment of 30 minutes.

b) Time Schedule - questions

Council Members shall be permitted a question period for each presentation and/or delegation of a maximum five (5) minutes.

13.4 Delegations - time limit

Persons desiring to address Council as a delegation at a meeting of Council, except as a delegation at a public meeting pursuant to the provisions of the *Planning Act* shall be permitted to speak on a matter only once and be limited to speak for no more than five minutes. A five minute extension to speak may be decided, without debate, by a majority of Council/Committee Members present. Where the delegation consists of a group of three or more persons, the group may address the Council/Committee for no more than ten minutes.

13.5 Questions - to delegation

Members shall be permitted to ask questions of delegates but shall not make statements to nor enter into debate with such persons.

13.6 Delegations - requests for action - referred

Delegations which request action to be taken by the Council shall be referred to Administration, by majority vote, for a report that shall be dealt with at an ensuing council meeting.

13.7 Delegations - previously heard by - Planning Advisory Committee

Any person, not being a member of Council, desiring to address the Council after having addressed the Planning Advisory Committee, shall notify the Clerk only, in writing of the request and shall include with the request any new information that was not available at the hearing before the Planning Advisory Committee. A notice of delegations will not qualify for a designated regular meeting if received later than 12 noon on the Tuesday preceding the said meeting.

13.8 Delegation - deemed - inappropriate for Council

When it is deemed inappropriate that a delegation address Council, the Clerk shall so notify the delegation and Council with a supporting explanation. Such written explanation shall be delivered with the Agenda and the Council, if it so wishes to hear the delegation, shall, by two-thirds vote of the Council Members in attendance, introduce a motion to suspend the rules to allow the delegation to be heard.

13.9 Delegation - statements - unsubstantiated

Whenever a delegation in its presentation, offers comments or statements that are deemed to be erroneous and unsubstantiated, any Member of Council, or city official, may be recognized by the Chair on a Point of Order whereby the member of Council or City Official so recognized by the Chair may bring necessary corrections or clarifications to the comments or statement said by the delegation.

**ARTICLE XIV
BY-LAWS**

14.1 Description - number of readings - listed on agenda

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.

14.2 Introduction - upon motion - title read

Every by-law shall be introduced upon motion of a Member specifying the title of the by-law.

14.3 Form - typewritten - compliance - relevant Act

Every by-law when introduced shall be in typewritten form and shall comply with the provisions of any relevant Act.

14.4 Readings - three - prior to passing

Every by-law caption shall be read prior to it being passed and endorsed by the Council

14.5 Purpose - effect - explained upon request

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.

14.6 Debate - amendment

A by-law may be debated or amended before final adoption by Council.

14.7 Passed - numbered - dated - signed - seal affixed

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 and shall be kept by the Clerk in the Clerk's office or any other place appointed for that purpose.

14.8 Confirmation - conclusion - of meeting

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 of each motion, resolution and other action taken.

14.9 Confirmation - introduction - voted on - without debate

A Confirming by-law when introduced shall be taken as read and finally adopted without debate.

Article XV

CONSENT / CORRESPONDENCE

15.01 Items - considered - for inclusion

All items to be considered for the Consent portion of the agenda shall be determined by the Mayor, Chief Administrative Office and the Clerk.

15.02 Consent items - explanatory note - one motion

Items listed under the Consent agenda shall be preceded by an explanatory note indicated *all matters listed on the Consent Agenda are considered to be routine and will be enacted by one motion. There will not be any separate discussion of these items.*

15.03 Items for discussion - routine

All items listed under the Consent Agenda shall contain routine matters which are not controversial in nature and which do not need further discussion.

15.04 Request to separate - consent item - to communication

Should a Member of Council wish to discuss any matter listed under the Consent Agenda, the Member shall ask immediately upon the Mayor calling Any Amendments, Deletions or Corrections to the Agenda, at which time the Member shall request that the item be separated and dealt with under Communication.

15.05 Committee Reports - PAC

Planning Advisory Reports (PAC) presented before Council for approval, shall be included under the Consent Agenda.

15.06 Staffing Requests - previously budgeted

Municipal staffing requests for existing budgeted positions shall be presented before the Council for approval under the Consent Agenda.

Article XVI
RESOLUTIONS - NOTICE OF MOTION

16.1 Resolutions - notice of motions - debated separately

Every matter listed under Resolution or Notice of Motions introduced at a previous meeting, shall be dealt with individually.

16.2 Resolutions - consecutively numbered

All resolutions presented to the Council shall be consecutively numbered, on a yearly basis.

16.3 Notice of Motion - when required - annual budget

A Notice of Motion shall be introduced in writing, when a Member of Council or a City Official wishes to amend, repeal or alter a bylaw, the pre-approved budget or any motion previously approved by Council, and where the motion is to introduce any measure of change in the Councils previously established policies.

16.4 Notice - introduced - notice - requirements

16.4.1 A Member may introduce a notice of motion 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.

16.4.2 A member of the Administration may introduce a Notice of Motion without the requirement of a mover and seconder.

16.5 Notice - received - by Clerk - included - in agenda

Notice of Motions introduced at a public meeting of Council shall not be debated and shall be recorded on the next regular meeting of council under Resolution.

16.6 Consideration - disposal - deferred - to other meeting

A notice of motion shall not be considered or otherwise disposed of by the Council unless the mover of the motion is in attendance at the meeting.

16.7 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.

16.8 Notice - delivered - time

Notice of motions may be delivered to the Clerk no later than 4:30 p.m. on the Wednesday preceding the date of the next regular meeting, in order to be included to the final agenda, at which time the motion is to be introduced, or be read at the end of a regularly scheduled meeting of the Council.

**ARTICLE XVII
REPORTS - COMMUNICATION**

17.1 Written - legible - signed

Every communication report to be presented to the Council shall be prepared under the approved submission e-genda program, with an identifiable recommendation, and shall be signed by the Manager and Chief Administrator and where financial implications are identified, the General Manager of Finance.

17.2 Deadline - material submitted - to Clerk

Every communication report which deals with a matter on the Council agenda shall be delivered to the Clerk no later than 4:30 p.m. on the Wednesday preceding the meeting of the Council in order to be printed on the agenda.

17.3 Agenda - preparation - substance

The Clerk shall prepare a summary of the substance of all correspondence/reports for inclusion in the agenda. Any Member of Council may require the Clerk to read part or all of any correspondence.

17.4 Tender - Quotation- RFP's reports

All reports identified as tenders, quotations or requests for proposals, shall be presented under the Heading of Tenders and shall be dealt with individually.

**ARTICLE XVIII
DISCLOSURE OF INTEREST**

18.1 Disclosing - Member responsibility

All Members shall govern themselves at any Meeting in accordance with the current legislation respecting any disclosure of interest they may have in accordance to the "*Conflict of Interest Act*". It is the responsibility of the Member to identify and disclose any interest.

18.2 Disclosing - no influencing

The Member shall disclose the interest including the general nature thereof, prior to any consideration of the matter and shall not take part in the discussion of, or vote on any question in respect of the matter and shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

18.3 Member - leave meeting - in camera

Where the meeting is not open to the public, the Member shall immediately leave the Meeting or the part of the meeting during which the matter is under consideration.

18.4 Member - absent - from meeting

Where a Member is absent from a meeting which includes a matter on which they have an interest, the Member shall disclose this interest at the next public meeting they attend.

18.5 Declaration - recorded - minutes

The declaration of interest shall be recorded in the Minutes or report of the meeting and, where the meeting was open to the public, the general nature of such declaration.

ARTICLE XIX COMMITTEES

AD HOC COMMITTEE

19.1 Appoint - Ad Hoc Committee

Council may, at any time, appoint an Advisory or Ad Hoc Committee to enquire into and report on any matter specific to one subject matter and that is not of a continuous nature.

19.2 Reports - Ad Hoc Committees of Council

Members appointed by the Council to sit on the Ad Hoc Committee shall file their final report to the Members of the Council for debate and final resolution.

19.3 Ad Hoc Committee Mandate

Each Committee shall be given a clear mandate and well defined terms of reference which will include among other things, the composition, reporting relationship, resources available to the committee and, if required, a defined time frame.

19.4 Discharging of Ad Hoc Committee

Once the Ad Hoc Committee has filed its report with the Council and Members have dealt with the matter referred to the Ad Hoc Committee, on presentation of its final report to the Members of Council, it automatically ceases to exist.

SPECIAL COMMITTEE

19.5 Special Committee – Appointment

At the start of every new Term of Council, the Head of Council, in consultation with elected Members of Council, shall determine and appoint individual Councillors to sit on various Special Committees as a representative of Council. The appointments shall be endorsed by Bylaw during their Inaugural Meeting.

19.6 Special Committee – Procedures

All Committees, recognized as a Special Committee of Council, through Bylaw and where a Member of Council sit on their Board, shall conduct their meetings in accordance to the adopted "Procedures" Bylaw governing Members of Council.

19.7 Special Committee – change in membership

Occasionally throughout the mandate of a current term of Council, the need may arise where a change of Members of Council is required. Any change shall be reported to the Head of Council, who shall have the authority to recommend an alternate Member of Council to the Committee.

19.8 Speaking – duration – time limit – 3 minutes

Members of Council who wish to provide brief remarks on matters relating to a Special Committee to which they have been appointed, shall, upon recognition by the Chair speak no more than three (3) minutes on the matter. There shall be no debate on the information provided.

STANDING COMMITTEES

19.9 Composition – all Members

A Standing Committee shall be composed of all Members of the Council

19.10 Appointment – Chair

The Chair and Vice-Chair of a Standing Committee shall be appointed by the Committee.

19.11 Named – limited

At this time, the Planning Advisory Committee is the only Standing Committee of Council.

19.12 Meetings - minutes - agendas - supplied to members

It shall be the duty of the Standing Committee to ensure that the minutes of the last regular meeting of together with an agenda containing reports to be considered is made available to each Member on the Friday preceding the day of the holding of such Meeting.

19.13 Rules - observed - in all meetings

The rules governing the procedures of the Council and the conduct of its Members shall be observed in meetings of the Standing Committee in so far as they are applicable.

ARTICLE XX

GENERAL RULES – ALL COMMITTEES OF COUNCIL

20.1 Defined – Special/Standing Committees

Special / Standing Committees of Council shall be defined as meeting all of the follows criteria:

Committee must be appointed by Council in accordance with its Procedural Bylaw.

Committee shall report to and/or be responsible to Council as a governing body.

Committee must be part of the City's budget with finances subject to City policies (i.e. not an outside body with its own bank account, purchasing etc.)

20.2 Committee appointments of Members of Council

Members of Council shall be selected to sit on various Boards and Committees of Council by the Head of Council at its Inaugural meeting held at the beginning of a new term of office. Appointments shall be for the term of Council unless the Bylaw specifies a shorter time and where a re-appointment may be made.

20.3 Appointment - Special Committees

Special Committees of Council may be appointed by the Council or by the Mayor with the approval of Council, at any time of the year as deemed necessary for consideration of special matters.

20.3.1 Upon the appointment of a Special Committee, Administration will be directed to prepare the Draft Term of Reference necessary for the Committee to begin its work.

20.4 Lay Appointments - Special or Standing committees

Appointments to any Special Committee or Standing Committee, from non-council members shall be made following these criteria: Public notice soliciting individual applications, from citizens of Cornwall shall be conducted. All applications shall then be presented to the Lay Appointments Committee of Council, who shall make its recommendation to the Council, during an Executive Meeting (In-Camera) for approval.

20.5 Mayor - Ex-officio

The Mayor shall be an ex-officio Member of all Council Committees, and may vote on all questions before the Committee but shall not be counted in the formation of a quorum.

20.6 Majority - Quorum

A majority (50% +1) of all members of a Committee shall constitute a quorum

20.7 Members - may attend - no vote

Members of the Council may attend and participate in the discussion or debate at any Committee meeting, but shall not be allowed to vote unless they are Members appointed by the Council to that Committee.

20.8 Appointment - other member - due to illness - absence

Should a Member of Council, appointed to any Committee, be unable to attend the meetings of such Committee due to illness or absence from the City, the Council may appoint another member to act in his stead and the member so appointed shall be deemed to be a member of the Committee and entitled to act thereon only during such illness or absence.

20.9 Neglect - calling of meetings

Should a Chairperson of any Committee neglect or refuse to call a meeting of his Committee at such time or with such frequency as the proper dispatch of the business entrusted to the Committee requires, or do the business of the Committee without the knowledge or consent of its members, or contrary to their wishes or sanction, the Committee may report such neglect, refusal or action to the Council who may, remove said Chairperson from the Committee and appoint another member in his place.

20.10 Members - not attending - removal

Should any Member or Members of a Committee neglect or refuse to attend the properly summoned meetings of their Committees, the Chairperson shall report such neglect or refusal to the Council who may remove the said Member or Members of their place; or should any Committee neglect or refuse to give due attention to all business or matters before them, the Council may, by resolution, discharge such Committee and appoint another in its stead.

20.11 Absence - Chairperson

In the absence of the Chairperson, the Vice-Chairperson shall preside, and in the absence of both the Chairperson and the Vice-Chairperson, one of the other Members shall be elected to preside pro temp, who shall discharge the duties of the Chairperson during the meeting or until the arrival of the Chairperson.

20.12 Committee matters - referred to Council

No order or authority to do any matter or thing shall be recognized as emanating from any Committee, and all Committee matters shall be referred to City Council and approved before becoming effective.

ARTICLE XXI

NEW BUSINESS - UNFINISHED BUSINESS

21.1 Unfinished Business – Index – Pending List

All matters brought forward to Members of Council for consideration and that have not been disposed of or that has been referred or committee to a future date , shall be indexed under a "pending list" and considered unfinished business and shall identify which department has been given ownership of providing a future report.

21.2 New business - routine nature

Any item of business that is of a routine nature that has been introduced to Members of Council requiring a formal resolution that was not previously placed on the Agenda shall be considered as a New Business Motion.

21.3 New business - in writing - mover and seconder - filed

All new business motions shall be introduced in writing, with a mover and seconder and filed with the Clerk.

21.4 New business - filing time - inclusion on agenda

New Business motions that are filed prior to 4:30 p.m. on the Wednesday preceding a regular meeting shall be included to the printing of the agenda.

21.5 New Business - voted on individually

All New Business motions shall be voted on individually.

21.6 New Business - non-routine - Notice of Motion

New business motions that are not of a routine matter, shall be received and read by the Clerk as a Notice of Motion and re-introduced at the next regular meeting of Council under Resolution for Council discussion, such as but not limited to expenditures, changes in policy etc...

21.7 New Business – introduced – regular meeting

Motions of a new business nature may be filed with the Clerk during the regular meeting of Council and shall be read during the New Business section of the Agenda. The mover of the motion shall provide copies of the proposed New Business motion to all Members of Council prior to the meeting at which the motion is being introduced.

21.8 Matters not under Council jurisdiction

Any matter not considered to be matters under the Municipal Council's jurisdiction, after consultation with the Mayor, Chief Administrative Officer and City Clerk, shall not be accepted.

**ARTICLE XXII
VOTING**

22.1 Chair need not vote

The Chair may vote as any other Member when the vote is to be recorded. In all other cases, the Chair, may (but is not obliged to) vote whenever his vote will affect the result – that is, he may vote either to break or to cause a tie; or, in the case of a two-thirds vote requirement, he may vote either to cause or to block the attainment of the necessary two-thirds vote.

22.2 All questions - exception - disqualified

Every Member present at a meeting, with the exception to Section 22.0, when a question is put may vote thereon unless disqualified to vote on the question.

22.3 Failure to vote - deemed negative

Failure to vote by a Member who is not disqualified, and who has not indicated that he/she abstains shall be deemed to be a negative vote.

22.4 Motion - simple majority - required - exception

The vote required to pass a motion shall be a simple majority (50% +1) except as otherwise provided in this By-law, by Statute or by *Robert's Rules of Order*.

22.5 Equal - motion deemed negative

In the case of an equal division of votes on a motion, the motion shall be deemed to have been decided in the negative and defeated for want of a majority.

22.6 Show of hands - exception - recorded vote

The manner of determining the desire of the Council on a motion shall be by show of hands.

22.7 Recorded - by request - vote announced openly

Where a vote is taken for any purpose and a Member requests immediately prior or immediately subsequent to the taking of the vote that the vote be recorded, each Member present, except a Member who is disqualified, from voting, shall announce his vote openly; and any failure to vote by a Member who is not disqualified or who has not abstained from voting shall be deemed to be a negative vote; and the Clerk shall record each vote.

22.8 Division - Separate vote - each proposal

At the request of a Member of Council, a motion containing distinct proposals, that can be acted upon individually may be divided, and a separate vote shall be taken upon each individual proposal.

22.9 Member not in their seat - deemed absent

A Member not in their seat when the question is called by the Chair is not entitled to vote on that question and in the case of a recorded vote, shall be recorded as absent.

22.10 Chair - stating the question

Immediately preceding the taking of the vote, the Chair shall state the question in the form introduced

22.11 Announcing - results

The Chair shall announce the result of every vote.

ARTICLE XXIII

MOTION - TO APPEAL

23.1 Made - at time of ruling - point of order

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.

23.2 Decision - Chair - final

Unless a Member immediately appeals the Chair's decision, the decision of the Chair shall be final.

23.3 Non-debatable - amendable - reconsidered

A motion to appeal the decision of the Chair shall not be debated or amended.

ARTICLE XXIV

QUESTION OF PRIVILEGE

24.1 Integrity - Member - Council - in question

Where a Member considers that the integrity of a Member of 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.

24.2 Motion - to receive disposition - treated as main motion

A motion resulting from a question of privilege shall receive disposition by the Council forthwith, and, following such disposition, the motion so interrupted shall be immediately considered at the point where it was suspended.

**ARTICLE XXV
REQUEST FOR INFORMATION**

25.1 Request Information

Where a Member is uncertain of a particular issue being discussed, the Member may ask the presiding officer to clarify or if the Chair is unsure of the answer, may direct the question to another member. All requests for information shall be on the business pending or on parliamentary situation.

**ARTICLE XXVI
WITHDRAWAL - MOTION**

26.1 Withdrawal of Motion

A request to withdraw a motion shall only be made by the mover of the motion.

26.2 Without consent of seconder

A request to withdraw a motion may be made without the consent of the seconder of the motion.

26.3 In order - anytime during debate

A request to withdraw a motion shall be in order anytime during debate.

26.4 Objection - by member - entertained - main motion

If a Member objects to the withdrawal of the motion, a motion to maintain the question, may be entertained and become a main motion.

26.5 No objection - withdrawal - without seconder - vote

If no Member objects to the withdrawal of the motion, the motion shall be considered withdrawn without the necessity of a seconder and a vote.

**ARTICLE XXVII
POINT OF ORDER**

27.1 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 of the Council

27.2 Language - improper - offensive

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

27.3 Discussion - not valid - outside proposed motion

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.

27.4 Proceedings - other - informality - irregularity

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.

27.5 Member - rise - ask leave of Chair - point stated

When a Member rises on a point of order, the Member shall ask leave of the Chair to raise the point of order; and after leave is granted, the Member shall state the point of order to the Chair.

27.6 Decision - announced - prior to recommencement

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

27.7 Address - to Chair - purpose - to appeal decision

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

27.8 Decision - of Chair - final - no appeal

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

27.9 Appeal - member right - Chair reply - decision final

If a Member appeals to the Council, the Member shall have the right to state a case. A seconder is requested, the Chair shall have the right to reply and place the question before the Council who shall decide the question without debate, and its decision shall be final. In an appeal from the decision of the Chair, a tie vote sustains the Chair's decision.

ARTICLE XXVIII

CLOSE DEBATE - PUT THE QUESTION

28.1 Non-debatable - amendable

A motion to close debate (or) put the question shall not be debatable or amendable, and shall require a two-thirds vote.

28.2 Resolved - affirmative - original motion put - no debate

When a motion to close debate (or) put the question is in the affirmative, the original motion shall be put forward without debate or amendment.

ARTICLE XXIX

REFER OR COMMIT

29.1 Debatable - amendable - reconsideration - permitted

A motion to Refer or Commit a matter shall be debatable and amendable.

29.2 Motion - deemed - possession of the Council

After a motion is read by the Clerk, it shall be deemed to be in possession of the Council, but may be withdrawn at any time before decision or amendment, with permission of the Council.

29.3 Motion presented - debate

When a motion is presented in Council/Committee, it shall be read before debate.

29.4 Motion - outside jurisdiction - of Council

A motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.

29.5 Disposition of Motion

A motion properly before Council / Committee for decision must receive disposition before any other motion, not relevant to the main motion is introduced.

ARTICLE XXX

MOTION TO AMEND

30.1 Debatable - amend - permitted

A motion to amend shall be debatable, unless the motion to which it adheres to is undebatable.

30.2 Written - when requested - by Chair

A motion to amend shall be presented in writing when requested by the Chair.

30.3 Relevant to main motion

A motion to amend shall be germane to the main motion.

30.4 Contrary - to main motion - not in order

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

30.5 Amended - once only

Only one amendment shall be allowed to an amendment.

30.6 Council disposition - before amendment - motion

A motion to amend shall receive the disposition of the Council before a previous amendment or the motion.

ARTICLE XXXI

MOTION - TO RECONSIDER

31.1 Reconsideration - majority of Council - same meeting

Any matter decided upon by the Council, may be reconsidered at the meeting by a two-thirds (2/3's) vote of the Council.

31.2 Amend Something Previously Adopted or Rescind

A motion to reconsider any matter already disposed of by the current Council at a previous meeting, shall require a motion to *Amend Something Previously Adopted* or a motion to *Rescind* , provided by Notice at one meeting to be dealt with at the following meeting.

31.3 Member - on prevailing side - moves to reconsider

A motion to reconsider can be made only by a member who voted with the prevailing side or a member who did not vote.

31.4 Motion to reconsider adopted

If a motion to reconsider has been adopted, it temporarily nullifies the previous decision and places the meeting back at the point prior to taking the vote on the original motion.

31.5 Adoption of motion - for reconsideration

If a motion to reconsider has been adopted at a meeting, then consideration of the original matter shall become the next order of business.

31.6 Motion to reconsider - becomes main motion

The main motion originally voted on is once again pending; procedurally, it is considered a newly made main motion.

31.7 No discussion - unless reconsideration adopted

There shall be no discussion on the main question permitted until the motion for reconsideration is adopted.

31.8 Calculation of reconsideration

The calculation of two-thirds (2/3's) vote shall be rounded upwards to the next highest number.

31.9 Reconsideration - only once

No motion or report shall be reconsidered more than once at any meeting.

31.10 Use - Notice of Motion - Reconsideration

Any member may introduce a Notice of Motion at a meeting of Council to *Amend Something Previously Adopted or Rescind* a decision previously adopted by the Council.

ARTICLE XXXII

MOTION - TO ADJOURN

32.1 In order - exception

A motion to adjourn shall always be in order except as otherwise provided for in this Bylaw.

32.2 Negative - until proceedings completed

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.

32.3 Member speaking - voting prohibited

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

32.4 Affirmative resolution - current question - prohibited

A motion to adjourn shall not be in order until the current question has been put and a resolution made by motion.

32.5 Non-debatable

An unqualified motion to adjourn shall not be debatable or amendable.

32.6 Meeting - continuation - 11:00 p.m.

No item of business other than the Confirmatory By-law shall be considered at a meeting of the Council after the hour of 11:00 p.m. local time, unless otherwise decided by a two-thirds (2/3) vote of the Members present.

**ARTICLE XXXIII
MOTION TO RECESS**

33.1 Length of time - specified

A motion to recess when other business is before the meeting shall specify the length of time of the recess.

33.2 Non-debatable-length of time - amendable

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.

33.3 Future time - treated as main motion

A motion to recess at a future time shall have no privilege and shall be treated as a main motion.

**ARTICLE XXXIV
RESIGNATION - MEMBER - VACANCIES**

34.1 Resignation - file in writing - Clerk

A Member of Council may resign from office by notice in writing filed with the Clerk of the Corporation of the City of Cornwall, subject to Section 260 (1) and 263 of the Municipal Act.

34.2 Filling - vacancy

If a vacancy occurs in the office of a Member of Council, the Council shall, subject to section 263 of the Municipal Act; fill the vacancy.

34.3 Appointments to vacancies

Subject to Section 263 of the Municipal Act, where a vacancy occurs amongst a seat of the Mayor and/or Councillor, the Council at a meeting called for that purpose shall select the manner in which they wish to fill the vacancy.

POSITION OF MAYOR

34.4 Appointment to a Vacancy in the position of Mayor (Sec.263 Municipal Act)

- a) fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- b) require a by-election to be held to fill the vacancy in accordance with the *Municipal elections Act, 1996*; or
- c) appoint amongst the current Members of Council to fill the vacancy of the Mayor's position.

POSITION OF COUNCILLOR

34.5 Appoints to Vacancy – Member of Council

- a) fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- b) require a by-election to be held to fill the vacancy in accordance with the *Municipal Elections Act, 1996*; or
- c) appoint the first non-elected candidate for the position of Council Member during its last municipal election to fill the vacancy, subject to conditions in accordance to the Municipal Election Act.

34.6 Members - not attending - removal

The office of a Member of Council of the municipality becomes vacant if the Member is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council. (*Municipal Act (sec 259(1)(c).)*)

ARTICLE XXXV

REPEAL - ENACTMENT

35.1 By-laws - previous

Bylaw 2010-093 and all adhering amendments are hereby repealed.

35.2 Effective date

This Bylaw shall come into effect on the 10 day of April, 2012 by endorsement of Resolution 2012-07.

READ and Adopted in Open Council this 23 day of April, 2012



DENISE LABELLE-GÉLINAS
CITY CLERK



BOB KILGER
MAYOR

THE CORPORATION OF THE CITY OF CORNWALL

By-law # 2012-099

A By-law to amend Procedural By-law 2012-058, which Bylaw governs the Proceedings of the Council of The Corporation of the City of Cornwall - Presentations/Delegations and Standing Committee Listing.

WHEREAS the Council at its meeting of April 23, 2012 approved a revised Procedural By-law no. 2012-058; and

WHEREAS over the past several months, it has become known that an amendment is required to recognize for presentations and delegations were are scheduled at the end of a regular meeting of council; and

WHEREAS over the past several months, when a request for presentation and/or delegation have been identified on the agenda, it is usually brought forward to the beginning of the meeting and heard immediately following the adoption of minutes; and

WHEREAS special requests would be identified as the delivery of the "Annual Consolidated Financial Statements" given by the municipal Auditor; as well as ceremonial presentations such as the Ontario Winter Games Legacy Awards, Citizen of the Year Awards, or other awards that fall under a ceremonial nature, will be identified as being first on the presentation list, when on the agenda; and

WHEREAS the Council at a meeting held on Monday June 11th, endorsed by resolution that it would identify all of its Standing Committees within its Procedural Bylaw; now, therefore be it

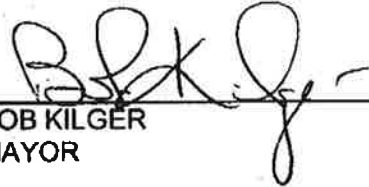
RESOLVED that the Council of The Corporation of the City of Cornwall enact as follows:

1. That the Procedural By-law 2012-058 be hereby amended to re-categorize all requests for presentations/delegations at the beginning of a Public Meeting, immediately following the adoption of Minutes.
2. That Article 9.1 Agenda Content recognize presentations/delegations and that it be scheduled immediately following Section 9.1(g) Adoption of Minutes and be number (9.1(h)) and that article (9.1(o)) be deleted.
3. That Article 19.9 be amended to read "A Standing Committee shall have Council representation, appointed by Resolution of Council".
4. That Article 19.11 include the following are hereby recognized as Standing Committees of Council:
 1. The Planning Advisory Committee
 2. Audit Committee

3. Budget Steering Committee
4. Lay Appointments Committee
5. Municipal Accessibility Advisory Committee
6. Personnel Committee
7. Waterfront Land Development Committee
8. Cornwall Economic Development Strategic Plan Implementation Advisory Committee
9. Transit Committee
10. Waterfront Development Committee
11. Cornwall Planning Program Evaluation Committee
12. Heritage Cornwall Committee
13. Youth Advisory Committee,
14. Municipal Environmental Advisory Committee
15. Recreation Advisory Committee; and
16. Parking Committee.

Read a First, Second and Third Time, Signed and Sealed in Open Council this 9th day of July, 2012.


DENISE LABELLE-GELINAS
CITY CLERK


BOB KILGER
MAYOR



APPROVED Procedural Bylaw.1st Amendment July 9.12.pdf

THE CORPORATION OF THE CITY OF CORNWALL

By-law # 2014-015

By-Law amending Procedural By-Law 2012-058 - Delivery of the Agenda and Complex communication reports

Whereas on December 9, 2013, Council adopted a resolution to modify the delivery schedule of the Agenda;

Whereas Councillors have also requested that complex communication reports be tabled at one meeting without discussion until the following regular meeting;

Whereas this affects several dispositions of the Procedural by-law, which must be modified accordingly

Now therefore be it resolved that the Council of The Corporation of the City of Cornwall enacts as follows:

1. That By-law 2012-058 be modified in sections 9.1.1; 13.1; 13.2; 13.7; 16.8; 17.2 and 21.4 to inscribe a preceding day, with modifications as necessary so that the new sections read as follows:

(The words modified are as follows: 'Thursday evening' by 'Wednesday morning', 'Friday' by 'Thursday' and the addition of the words Wednesday, late afternoon' s. 9.1.1; 'Tuesday' by 'Monday' s. 13.1 and s. 13.7; 'Thursday' by 'Tuesday' s. 13.2; '4:30 p.m. on the Wednesday' by '12 noon on the Tuesday', s.16.8, 17.2 and 21.4; and 'Complex reports, as determined by the Mayor, Chief Administrative Office and the Clerk, shall be placed on the agenda at one meeting, without discussion, until the following regular meeting.' s 11.2)

9.1.1 Delivery of Agenda

The agenda will be delivered by electronic transmission (e-genda) to each Member of Council by the Clerks Department no later than Wednesday morning, preceding the scheduled Public Council Meeting. Exceptions may be allowed when preparations of the Council Agenda falls on a week providing four work days, due to Statutory Holidays. The Agenda may be delivered on the preceding Thursday. The agenda will also be available to Administration and

the Media by electronic format after it has been delivered to Members of Council, on the Wednesday, late afternoon.

ARTICLE XIII - PRESENTATIONS - DELEGATIONS

13.1 Heard - request submitted - deadline - items on agenda

Persons desiring to address Council for the purpose of making a verbal presentation with respect to items for Council consideration that fall under the Council's mandate shall be heard at the Council meeting, with those delegations having submitted their request in writing to the Clerk by 12:00 noon on the Monday preceding the meeting of Council, being heard first, in the order in which such requests are received by the Clerk.

13.2 Material - written - submitted for Council deadline

Where possible, written material to be distributed to Council shall be submitted to the Clerk by 12:00 noon on the Tuesday preceding the meeting of Council and the notice shall specify clearly the business to be presented, who the spokesperson shall be, the date at which the delegation wishes to be entertained.

13.7 Delegations - previously heard by - Planning Advisory Committee

Any person, not being a member of Council, desiring to address the Council after having addressed the Planning Advisory Committee, shall notify the Clerk only, in writing of the request and shall include with the request any new information that was not available at the hearing before the Planning Advisory Committee. A notice of delegations will not qualify for a designated regular meeting if received later than 12 noon on the Monday preceding the said meeting.

16.8 Notice - delivered - time

Notice of motions may be delivered to the Clerk no later than 12 noon on the Tuesday preceding the date of the next regular meeting, in order to be included to the final agenda, at which time the motion is to be introduced, or be read at the end of a regularly scheduled meeting of the Council.

17.2 Deadline - material submitted - to Clerk

Every communication report which deals with a matter on the Council agenda shall be delivered to the Clerk no later than 12 noon on the Tuesday preceding the meeting of the Council in order to be printed on the agenda.

21.4 New business - filing time - inclusion on agenda

New Business motions that are filed prior to 12 noon on the Tuesday preceding a regular meeting shall be included to the printing of the agenda.


2. Section 11.2 is modified to add: 'that complex reports shall not be discussed at the same regular meeting that they are placed on the agenda.' The new section reads as follows:

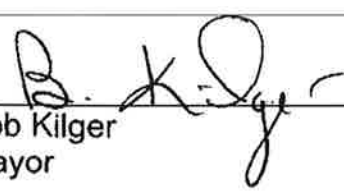
11.2 Reports to be considered

While in Committee of the Whole, the following reports shall be considered: Adoption of minutes, presentation, delegations, resolutions / business arising from notice of motions, consent/correspondence, unfinished business reports, communication reports, tenders and request for proposal reports and bylaws.

Complex reports, as determined by the Mayor, Chief Administrative Office and the Clerk, shall be placed on the agenda at one meeting, without discussion until the following regular meeting.

Read, signed and sealed in open Council this 27th day of January, 2014.


Helen Finn
City Clerk


Bob Kilger
Mayor

THE CORPORATION OF THE CITY OF CORNWALL

By-law # 2014-117

A By-law to amend the Procedural By-law 2012-058 - Section 13.3.3 Restrictions and Permission

Whereas it is deemed appropriate to amend Procedural By-law 2012-058 to clarify the rules pertaining to presentations;

Whereas Council adopted a resolution approving this amendment on June 23, 2014;

Now therefore be it resolved that the Council of The Corporation of the City of Cornwall enacts as follows:

1. That the word 'sole' be struck from paragraph 13.3.3 and a second sentence be added at the end, to read as:

"Presentations and/or Delegations from Businesses and Organizations shall not be permitted to appear before Council for purpose of generating publicity for an event or to promote their business. Presentations and/or Delegations from Non-Profit and Charitable Organizations, who wish to promote an event to raise Cornwall's profile to visitors and potential residents, shall be permitted to appear before Council."

Read, signed and sealed in open Council this 14th day of July, 2014.



Helen Finn
City Clerk



Bob Kilger
Mayor

THE CORPORATION OF THE CITY OF CORNWALL

By-law # 2015-159

A By-law to further amend Procedural By-law 2012-058 by allowing the Mayor to constitute part of quorum in Committees and Boards (s. 20.5)

Whereas the Mayor is appointed ex-officio Member of all Council Committees but not counted in the formation of a quorum;

Whereas occasionally it is difficult to obtain quorum; and

Whereas it would be advantageous to include the Mayor in the calculation of the quorum when there are insufficient members.

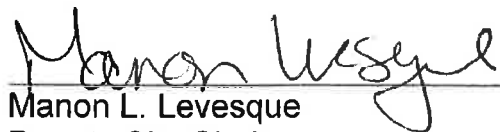
Now therefore be it resolved that s. 20.5 of the Procedural By-law be and is hereby amended to allow the Mayor to be counted as an alternate member, when there is a risk of not having quorum; and


Now therefore be it further resolved that s. 20.5 of the Procedural By-law be amended to read as follows:

20.5 Mayor - Ex-officio

The Mayor shall be an ex-officio Member of all Council Committees, and may vote on all questions before the Committee. The Mayor may be counted in the formation of a quorum as an alternate, in the absence of an appointed member.

Read, signed and sealed in open Council this 9th day of November, 2015.


Manon L. Levesque
Deputy City Clerk


Leslie O'Shaughnessy
Mayor

THE CORPORATION OF THE CITY OF CORNWALL

By-law # 2016-024

A By-law to further amend Procedural By-law 2012-058 to reflect changes to the Municipal Act regarding the reasons a Municipality can go in-camera

Whereas the *Municipal Act* has been amended regarding the reasons a Municipality can go in-camera;

Whereas it is necessary to amend the Procedural By-law to reflect this change;

Now, therefore, be it resolved, that the By-law 2012-058, a By-law to govern the proceedings of the Council of The Corporation of the City of Cornwall, be amended by removing section 4.10 and replacing it with the following:

"4.10 Closed - to public - In Camera Meeting subject matters

(1) 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 municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (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.

(2) A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,

(a) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or

(b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act* an Ombudsman referred to in subsection 223.13 (1) of the *Municipal Act*, or the investigator referred to in subsection 239.2 (1).

Educational or training sessions

(3) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

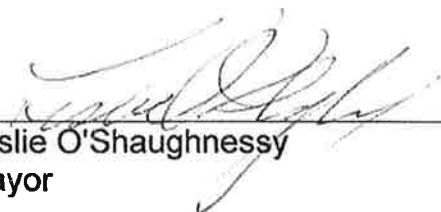
(a) The meeting is held for the purpose of educating or training the members.

(b) At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.”

Read, signed and sealed in open Council this 8th day of February, 2016.



Helen Finn
City Clerk



Leslie O'Shaughnessy
Mayor

