

APPENDIX I

THE CORPORATION OF THE CITY OF WELLAND

INDEX TO PROCEDURAL BY-LAW 2024-95

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THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2024 - 95

BEING A BY-LAW TO GOVERN THE PROCEEDING AND CONDUCT OF COUNCIL AND THE COMMITTEES THEREOF AND TO REPEAL BY-LAW 2017-6

WHEREAS section 238 of the **Municipal Act, S.O. 2001, c. 25**, as amended (hereinafter referred to as "**Municipal Act, 2001**"), provides that every municipality and local board shall pass a procedure by-law for governing the calling, notice, place and proceedings of meetings, inter alia;

AND WHEREAS Council deems it necessary and advisable to establish rules governing the order and procedure of the Council and its Committees to comply with the said **Municipal Act, 2001**.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

ARTICLE 1 - INTERPRETATIONS

- 1.1 In this By-law,
- (a) "Chair" means the Mayor or person presiding over the meeting;
 - (b) "Chief Administrative Officer" means the Chief Administrative Officer of the City;
 - (c) "City" means The Corporation of the City of Welland;
 - (d) "Clerk" means the Clerk of The Corporation of the City of Welland;
 - (e) "Committee" means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards;
 - (f) "Committee-of-the-Whole" means all Members of Council present at a meeting sitting in Committee;
 - (g) "Committee-of-the-Whole In-Camera" means the same as Committee of the Whole except that all or some members of staff, media and/or public are excluded;
 - (h) "Confirmatory by-law" means a by-law that is passed to authorize the proceedings and actions of Council at its meetings and to authorize the execution of agreements and documents related to said meetings;
 - (i) "Council" means the Council of The Corporation of the City of Welland;
 - (j) "Councillor(s)" means a Member(s) of Council;
 - (k) "Defer" means to postpone discussion on a motion until a specific meeting date, time and/or place; a motion to defer is not debatable except for reasons of the appropriateness of the date, time, and place for the matter to come back for deliberation;
 - (l) "General Committee" means Members of Council acting as a standing committee to Council, operating through Corporate Services and Integrated Services;
 - (m) "Head of Council" means the Mayor;
 - (n) "In-camera meeting" means meetings closed to the public under authority of the **Municipal Act, 2001**;

- (o) "Investigative Officer" means a person or agency appointed by Council to investigate complaints where an abuse of a closed meeting procedure is perceived;
- (p) "Mayor" means the Head of Council;
- (q) "Meeting" means any regular, special or other meeting of Council, of a local board, or a committee of either of them, where:
 - (i) a quorum of members is present; and
 - (ii) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- (r) "Member" means a Member of the Council of The Corporation of the City of Welland;
- (s) "Petition" means a document addressed to the Council of the City of Welland that contains the printed name and address and signature of the petitioner, is legible, produced in ink, and contains on each page a clear description of the matter being brought forward and that the petition once submitted to the Clerk becomes a record that is publicly available. (see prescribed form of Petition attached hereto as Schedule "B");
- (t) "Point of Order" may be called to bring attention to:
 - (i) any breach of the Rules of Order of Council; or
 - (ii) any defect in the constitution of any meeting of the Council; or
 - (iii) the use of improper offensive or abusive language;
 - (iv) notice of the fact that the matter under discussion is not within the scope of the proposed motion; or
 - (v) any other informality or irregularity in the proceeding of Council.
- (u) "Point of Personal Privilege/Point of Privilege" relates to all matters affecting the rights of Members, both as individuals and as a Council and is regarded as the Member's right to correct inaccuracies or explain circumstances they believe affect themselves adversely or reflect improperly upon Council as a whole.
- (v) "Presiding Officer" means a person appointed by the Members present at a Council meeting in the event the Mayor and Vice-Mayor are not in attendance within fifteen (15) minutes after the hour appointed for the Council meeting;
- (w) "Recorded Vote" means the recording by the Clerk of the name and vote of every Member present on any matter or question;
- (x) "Refer" means to send a matter to a specific committee, staff, or other appropriate body requesting further information or for review and comment; a motion to refer is not debatable except for reasons of the appropriateness of the referral including to whom the matter is being referred and why;
- (y) "Vice Mayor" means a Member of Council appointed by by-law, in each year, with the consent of the Head of Council to act in place of the Head of Council on any body, other than on the council of another municipality, of which the Head of Council is a member by virtue of being Head of Council, in accordance with **section 226 of the Municipal Act, 2001.**

ARTICLE 2 - ROLES

Role of Council and Members of Council

2.1 It is the role of Council to:

- (a) make decisions and exercise the powers of the City assigned to it under the **Municipal Act, 2001**;
- (b) support the operations of the City and represent the public and consider the well-being and interests of the City;
- (c) develop and evaluate public policy and provide strategic direction for the City; and
- (d) carry out the duties of Council under the **Municipal Act, 2001** and other legislation.

Further, it is the role of individual members of Council to:

- (a) represent the interests of the community;
- (b) attend and participate at meetings of Council; and
- (c) make decisions together with the other members of Council in accordance with these Rules of Procedure.

Role of Head of Council

2.2 It is the role of the Head of Council to:

- (a) provide leadership to Council and the City;
- (b) preside over Council meetings so that City business can be carried out efficiently and effectively and enforce these Rules of Procedure;
- (c) represent the City and Council at official functions; and
- (d) carry out the duties of Head of Council under the **Municipal Act, 2001** and other legislation.

Order and Decorum by Head of Council

2.3 The Head of Council shall preserve order and decorum at Council Meetings in accordance with these Rules of Procedure and decide matters of order subject to an appeal to the Council.

Head of Council as Chief Executive Officer

2.4 In addition to the duties prescribed in section 2.2 hereof, it is the role of the Head of Council to act as chief executive officer of the City in accordance with **section 226.1** of the **Municipal Act, 2001**.

Designation of a Presiding Officer

2.5 The Head of Council may consent to the designation of a Member of Council, to preside at meetings of Council, as authorized by **section 238(4)** of the **Municipal Act, 2001**.

Duties of Clerk

2.6 *The Clerk shall be the official secretary of Council and all committees of Council, and shall be present at all meetings, and shall implement those duties and responsibilities under section 228 of the Municipal Act, 2001.*

Appointing Person to Record Council Proceedings

2.7 The Clerk may appoint a person in accordance with **section 228(4)** of the **Municipal Act, 2001**, who shall have charge of recording the proceedings of Council or Committees. Such appointee or secretary to Committee shall comply with **section 228(1)** of the **Municipal Act, 2001**, as practical as possible, in the same manner as the Clerk.

Role of City Administration

2.8 It is the role of the officers and employees of the City to :

- (a) undertake research and provide advice to Council on the programs and services of the City;
- (b) implement Council's decisions and establish administrative practices and procedures for doing so; and
- (c) carry out other duties assigned under the **Municipal Act, 2001** and other legislation.

Role of Chief Administrative Officer

2.9 It is the role of the Chief Administrative Officer to exercise general control and management of the City's affairs for the purpose of ensuring the efficient and effective operation of the City, and to perform such other duties as may be assigned by Council.

ARTICLE 3 - CONFLICT OF INTEREST

Municipal Conflict of Interest Act

3.1 That subject to the **Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as amended**, if a Member has any pecuniary interest, direct or indirect, in any matter, they shall, as soon as practicable after the commencement of any meeting at which the matter is being considered, disclose their interest and shall not take part in the discussion or vote on any question with respect to such matter, and such disclosure of interest shall be duly noted in the minutes.

Member Appointment

3.2 No Member shall vote on any by-law appointing them to any office, nor for the provision of their remuneration for any service to the Corporation. This does not apply to allowance for attendance at meetings of the Council or its Committees or for traveling or other expenses of the Members.

ARTICLE 4 - BOARDS, COMMITTEES AND COMMISSIONS

4.1 Council may at its discretion, establish boards, committees and commissions to exercise any power under any Act with respect to the affairs or purposes of one or more municipalities, or task under the general affairs of one or more municipalities; and, shall determine what responsibilities and duties shall be assigned.

Establishing Committees

4.2 There shall be established annually at the first meeting of Council, or as soon thereafter as is convenient, as many standing or special committees of Council as Council deems necessary, and Council shall also make, at such meeting, any necessary appointments to such boards, committees, commissions, Committee/Court of Revision, Committee of Adjustment, or any special purpose body as is required by statute or otherwise.

Committee Meetings Open to Public

4.3 All boards, committees and commissions established by Council shall have meetings open to the public, unless otherwise permitted by legislation or this by-law to be closed to the public.

Boards, Committees and Commissions subject to Closed Meeting Investigator

4.4 Boards, committees and commissions which by definition under the **Municipal Act, 2001**, and established by Council, may hold a portion of their meeting closed to the public, only in accordance with **section 239** of the **Municipal Act, 2001**.

Appointments to Boards, Committees and Commissions

4.5 Appointments to boards, committees and commissions shall be by resolution of Council.

Voting on Appointments

4.6 In all resolutions for the appointment of any person to any body that is subject to Article 4, the candidates shall receive a majority of the votes of all Members present and voting.

Ex Officio Privilege

4.7 The Mayor shall be a member, ex officio, of every committee of Council with the same rights as other Members. In absence of the Mayor and on the Mayor's direction, the Vice Mayor or another Member may exercise this ex officio privilege in order to achieve a quorum for a standing committee.

Selection of Committee Chair

4.8 Where the membership of a committee of Council is less than the total membership of Council, the Chair of the committee will be selected by the committee, unless noted otherwise.

Calling of Committee Meetings and Quorum

4.9 Every standing or special committee shall meet at the call of the Chair thereof, in order to report on or consider all matters referred to it, and a majority of the members of the committee shall constitute a quorum, unless otherwise stated by Council resolution.

Terms of Reference

4.10 Terms of Reference for boards, committees and commissions including policies, shall be established by motion of Council or by By-law where appropriate.

Resolutions of Committees/Only Requires Mover

4.11 To expedite the proceedings of a committee meeting, a resolution need only be duly moved by a member of the committee and not seconded in order for the resolution to be discussed and considered.

Committee Reports to Council

4.12 A committee that wishes to report to Council may request, through the Chair of the committee or the staff liaison, that the Clerk add the committee report to the agenda of an upcoming meeting. A copy of the report, including any recommendations being made by any committee to Council, shall be submitted to the Clerk no later than 4:00 p.m. on the Tuesday of the week prior to the meeting. Committees are permitted fifteen (15) minutes for their report to Council.

Record of Boards and Commissions and Members

4.13 The Clerk shall keep a record of all boards, committees and commissions in place and the members elected to each such board, committee and commission.

ARTICLE 5 - NOTICE OF MEETING FOR PUBLIC

5.1 Notice of Council Meetings and General Committee Meetings, and all other Committees of Council Meetings for public information shall consist of posting of notification of meeting on the City of Welland's website, together with posting of notification of meeting on the public bulletin board located within the Civic Square, at least 24 hours prior to the date of the

meeting. For the purpose of this article, a Committee of Council is defined as a committee where the majority of the committee members are also members of Council.

Posting of Public Notice for Special Council Meeting

5.2 Notice for public information of Special Council Meetings will be posted as soon as practical.

Failure to Notify Public

5.3 Failing to notify the public does not constitute improper meeting notice, and such notification is a courtesy for accountability and transparency purposes.

Notice of Items of Public Interest

5.4 The above notwithstanding, the City shall give notice for specific items of public interest to be considered at Council meetings, in accordance with its Public Notice By-law Number 2013 – 127, as amended.

ARTICLE 6 - CALL TO ORDER

Quorum of Council

6.1 As soon after the hour fixed for the meeting, as there shall be quorum present, the Mayor shall take the Chair and call the Members to order. A majority of the Members shall constitute a quorum.

Absence of Mayor at Council

6.2 If the Mayor does not attend within 15 minutes after the time appointed, the Vice Mayor shall preside until the arrival of the Mayor. Or, if both the Mayor and Vice Mayor do not attend within the above mentioned time, the Clerk shall call the meeting to order and the Council shall appoint one of its Members to preside as the Presiding Officer.

ARTICLE 7 - AGENDAS & ADDITIONS TO AGENDA

Announcement of Agenda

7.1 Immediately after the Mayor calls the meeting to order, they shall announce the business before Council as contained in the agenda, and the Clerk shall announce additions or deletions.

Additions to Agenda

7.2 Any additions to the agenda of the regular meeting of Council or a Special Meeting of Council made less than twenty-four (24) hours prior to the meeting of Council shall require unanimous consent of the Members present. Unanimous consent is deemed to have been given if no objection is made by any Member after the items have been announced by the Clerk.

Agenda Delivery

7.3 Copies of such agenda containing minutes, communications, by-laws or reports shall be prepared and delivered to the Mayor, the Members and the Chief Administrative Officer, at least 24 hours before any regular meeting of Council.

ARTICLE 8 - DELEGATIONS APPEARING BEFORE COUNCIL/GENERAL COMMITTEE

8.1 Delegations may be permitted to appear at General Committee or Council meetings, in accordance with the provisions of this Article 8.

8.2 A person wishing to make a delegation shall submit a Delegation Request Form, in the form prescribed by the Clerk, which shall include their name, address, phone number, and a brief explanation of the issue to be addressed. If the delegation intends to refer to any written materials, including but not limited to a presentation slide deck, the delegation shall provide the same to the Clerk along with the written request form. The delegation request form must be received by the Clerk no later than 4:00 p.m. on the Tuesday of the week before the meeting at which the delegation wishes to present.

8.3 Delegations shall not be permitted on the following subject matters:

- (a) a matter that is under litigation or potential litigation;
- (b) a matter that is the subject of an investigation;
- (c) a matter that is outside the jurisdiction of the City;
- (d) a matter requiring a reconsideration vote by Council;
- (e) a matter that, in the opinion of the Chief Administrative Officer and Clerk, is the proper subject matter of a closed meeting;
- (f) where the delegation has appeared on the same subject matter within a one-year period, unless a recommendation pertaining to the same matter appears on an Agenda or the delegate presents new information; and
- (g) where the Chief Administrative Officer and Clerk determine that a delegation is likely to engage in unreasonable or offensive conduct, make unreasonable or offensive statements regarding or demands of any person, or otherwise misuse the privilege of addressing Council or General Committee.

8.4 Upon receipt of a written request to delegate, the Clerk shall conduct a review and determine whether the request complies with the requirements of this Section 8. If the request to delegate does not comply with this Section 8, the Clerk shall deny the request and notify the requestor in writing of the reasons for their decision, which decision shall be final. In all other cases, the Clerk shall place the delegation on the Agenda for the next appropriate meeting.

8.5 Delegations will be heard at the commencement of the meeting in the order they appear on the Agenda. No more than 3 delegations shall be heard at a meeting. Each delegation shall be limited to ten (10) minutes in length. Council or General Committee may vote to extend the time by an additional five (5) minutes, but only once in respect of each delegation. Upon conclusion of the delegation, Members shall be permitted to ask clarifying questions of the delegation and City staff for a period of up to five (5) minutes, but Members shall not be permitted to engage in debate or cross-examination of the delegate.

8.6 Delegations shall be received without comment or debate, unless there is a resolution to refer the matter to City staff.

8.7 No person addressing Council or General Committee as a delegation shall:

- (a) speak disrespectfully of any person;
- (b) use offensive or unparliamentary language;
- (c) engage in improper conduct;
- (d) speak on any subject other than the subject for which they have received approval to delegate on;
- (e) disobey the Rules of Procedure or a decision of the Chair.

8.8 The Chair may curtail any delegation or questions of a delegation for disorder or any other breach of the Rules of Procedure, including this Section 8. If the Chair rules that the delegation is concluded, the delegation shall immediately withdraw.

8.9 During any period where an emergency has been declared to exist in all or part of the City under sections 4 or 7.01 of the Emergency Management and Civil Protection Act, any delegation shall be permitted to appear at General Committee or Council, as the case may be, via electronic means (e.g. audio), and will have the same rights and responsibilities as if the delegation were in physical attendance and shall be subject to all of the provisions of this Article 8, as well as any additional rules imposed by Council for such electronic participation.

8.10 Where there is an avenue for public input (i.e. Public Meeting, Public Open House, Letters of Support/Objection, Hearing, etc.) and those avenues have already been exhausted, no Delegations will be permitted on the matter.

ARTICLE 9 - PETITIONS AND COMMUNICATIONS

9.1 Petitions and communications alike shall be delivered to the Clerk, addressed to Mayor and Council, and shall be added to the next regularly scheduled meeting of Council. Such Petitions and communications must be received no later than seven (7) days prior to the next regularly scheduled meeting of Council, otherwise it shall be placed on the following Council agenda. Petitions must be in the prescribed form as set out in Schedule "B" attached hereto and forming part of this by-law to be a valid Petition.

ARTICLE 10 - GENERAL ORDER OF PROCEDURES AT COUNCIL MEETINGS

Order of Business

10.1 The order of business for regularly scheduled meetings of Council will be as set out in Schedule "A" attached hereto.

Order and Decorum

10.2 The Chair shall preserve order and decorum at meetings and decide matters of order, subject to an appeal to the Council.

Rules of Order

10.3 In all cases not provided for by these rules, in the proceedings of Council or in Committee, the Rules of Order by Bourinot shall be followed. Council may suspend these rules for any proceedings or meeting of Council, if at such meeting or proceeding a resolution is passed by two-thirds (2/3) of the Members present authorizing such suspension.

Time, As Referred in By-Law

10.4 Whenever any time is referred to in this by-law, the same shall be Eastern Standard Time or Daylight Savings Time, whichever shall be in effect in the City at any particular time.

Council Meeting, Inaugural

10.5 In the first year of the term of office of a new Council of the City, an inaugural Council meeting shall be held on the first Monday in December at 7:00 p.m.

Council Meeting Schedule

10.6 Subsequent to the inaugural meeting, the Council shall meet in accordance with an annual calendar of meetings approved by Council. All Meetings shall commence at 7:00 p.m., except for Special Meetings which may commence at any time the Clerk determines appropriate.

Council Meeting, Following General Committee

10.7 In addition, Council may meet following the General Committee Meetings, whenever they occur, to ratify all or part of the recommendations related to the General Committee and to consider any by-laws related thereto.

Council Meeting, Change Date of

10.8 Nothing in this article shall prevent Council from changing the date of any regular Council meeting, if such change is made by resolution duly passed at a Council meeting preceding the meeting which is to be changed.

Council Meeting, Absence of Quorum

10.9 If quorum is not achieved within the first 15 minutes after the time appointed for a meeting, the meeting shall be adjourned, and any question under consideration keeps its place on the agenda for the next sitting.

Council Meeting, Location

10.10 All meetings, including the inaugural meeting of Council, shall be held in the Council Chambers at Civic Square, unless due to an emergency or for any other reason, the Council decides otherwise.

Committee Meeting, Location

10.11 Committee meetings shall be held in locations suitable to the needs of the Committee.

Council Meeting, Curfew, Adjournment and Extension

10.12 Regular meetings of Council, Special Council and General Committee shall adjourn at 11:00 p.m. and one extension of Curfew of one-half hour duration may be granted if Council or General Committee agrees by 2/3 majority vote.

Special Meeting of Council

10.13 Whenever a special meeting of Council is required, it may be called by the Mayor, or upon receipt of a Petition in writing outlining the purpose for the meeting and signed by a majority of all the Members and presented to the Clerk. Only those matters listed on the Special Council agenda shall be discussed.

Notice of Special Meeting

10.14 Notice of a Special Council meeting shall be made in writing calling such meeting and shall include the agenda which outlines the intention to consider only the matters contained therein, subject to section 7.2. Notice shall be delivered to each Member and posted on the City's website not less than twenty-four (24) hours prior to the time set for such meeting.

Special Meeting, Minutes

10.15 The Clerk shall, within seven (7) business days after the date of such special meeting send to every Member who was absent, upon request, a copy of the minutes of such special meeting.

Electronic Participation in Meetings

10.16 Despite any other provision of this By-law, a meeting may be held where some or all of the Members participate electronically. Where a meeting is held electronically in accordance with this Article:

- (a) any Member participating in the meeting electronically shall be deemed to be present for the purpose of determining whether a quorum is present;
- (b) any Member participating in the meeting electronically shall be entitled to vote on any matter put to a vote during the meeting; and
- (c) any Member participating in the meeting electronically shall be entitled to participate in any portion of the meeting that is closed to the public.

Notwithstanding the above, where a meeting is held electronically in accordance with this Article by way of videoconference, all Members shall be in view of their video camera feed for all portions of the meeting and shall advise the Clerk if they are leaving the meeting or stepping away from it. A Member shall be deemed to have left the meeting and shall not be counted toward quorum if, at any point during the meeting, the Member's video camera feed becomes disconnected or stops, despite the Member being connected to the videoconference.

ARTICLE 11 - COMMITTEE-OF-THE-WHOLE IN-CAMERA MEETINGS

11.1 Pursuant to **section 239 of the Municipal Act, 2001**, all meetings shall be open to the public except as provided herein. 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;
- (h) a request under the **Municipal Freedom of Information and Protection of Privacy Act**;
- (i) for the purpose of educating or training members in accordance with article 11.2, below;
- (j) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- (k) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (l) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or

- (m) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

11.2 Pursuant to **section 239(3.1) of the Municipal Act, 2001**, Council may close meetings to the Public if the subject matter being considered is:

- (a) being held for the purpose of educating or training the members; and
- (b) at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, local board, or committee.

Mayor and Members to Self-Regulate Committee-of-the-Whole In-Camera Meetings

11.3 The onus shall be upon the Mayor and Members to be self-regulated in ensuring that only matters legitimately permitted to be in Committee-of-the-Whole In-camera meetings are discussed.

Committee-of-the-Whole In-Camera, Procedure

11.4

- (a) Before holding a meeting closed to the public, Council shall openly pass a resolution to meet in "Committee-of-the-Whole In-camera" and such resolution shall state the general nature of the matter(s) to be considered and the closed meeting exception on which Council intends to rely in closing the meeting to the public;
- (b) The Clerk shall note the time the In-camera meeting began and ended. While in an In-camera meeting, the rules of Council shall be observed as far as may be applicable, except that the taking of a vote shall not be permitted unless provided for by legislation.

Committee-of-the-Whole, In-Camera, Chair

11.5 A resolution of Council to go into Committee-of-the-Whole In-camera shall state that the Mayor or other Member shall be Chair of the Committee-of-the-Whole In-camera.

Committee-of-the-Whole, In-Camera, Reporting Out

11.6 Upon concluding the portion of the meeting that is closed to the public, the Committee-of-the-Whole In-camera may arise with or without a resolution to report out on the general nature of the matter considered in the portion of the meeting closed to the public. For greater clarity, the determination whether and to what extent to report out in accordance with this Article 11.6 shall be in the sole discretion of Committee-of-the-Whole In-camera. A motion to report out shall always be in order and shall take precedence over any other motion; and shall be decided without debate.

Committee-of-the-Whole In-Camera Meeting, Minutes

11.7 The Clerk shall record minutes of In-camera meetings, in accordance with **section 239(7) of the Municipal Act, 2001**, and will present the minutes to Council at an ensuing In-camera meeting for confirmation.

Committee-of-the-Whole In-Camera Meeting, Approving Directions

11.8 The Confirmatory By-law of the Corporation is deemed to authorize the directions of Council in a Committee-of-the-Whole In-camera meeting.

Committee-of-the-Whole In-Camera Meeting. Confidentiality

11.9 All deliberations and information and documentation received or taken while in a Committee-of-the-Whole In-camera meeting shall remain confidential. The final results of deliberations and such information and documentation may only be made public by the Clerk when such disclosure is authorized by Council, or authorized by legislation or legislative authority. All Members shall comply with Section 5 – Confidentiality of Policy HUM-001-0031 being the Code of Conduct for Members of Council.

ARTICLE 12 - NOTICE OF MOTION

12.1 A notice of motion is a notice given by a Member of their intent to introduce the motion described in the Notice of Motion for consideration by Council at its next or a subsequent meeting. Before introducing a notice of motion, a Member is encouraged to consult with the appropriate member of City staff and the Chief Administrative Officer regarding the subject matter of their notice of motion.

12.2 A Member may introduce a notice of motion by providing the Clerk a written copy of the notice of motion, signed by the Member and a seconder, no later than 4:00 p.m. on the Tuesday of the week prior to a regular Council meeting.

12.3 Following the notice of motion being verbally introduced, the notice of motion is to be included in the Agenda for the next or a subsequent Council meeting or Special Council meeting. The Member moving the notice of motion may present the notice of motion verbally at the regular Council meeting by reading the notice of motion, however the notice of motion shall not be debated or discussed. The right to move a notice of motion shall be deemed to be that of the Member who introduced the notice of motion, subject to the following limitations:

- (a) At the regular meeting following the notice of motion being presented, the Member who presented the notice of motion will have the right to move the notice as a motion for debate. If the notice of motion is not moved at said meeting or the next regular meeting or unless withdrawn voluntarily by the mover before that time, the Clerk shall remove the Notice from any future agenda;
- (b) However, the member who introduced the Notice of Motion may, after a six (6) month period, re-introduce the same Notice of Motion.

12.4 All Notice of Motions referred or deferred at a Council Meeting shall be re-introduced at a future Council Meeting.

12.5 A notice of motion in respect of a matter which is beyond the jurisdiction of the City shall be out of order.

ARTICLE 13 - MOTIONS

Motions, Moving of

13.1 At a meeting of Council, every motion or resolution shall be in writing and when duly moved and seconded and stated by the Chair or Clerk shall be open for consideration and deemed to be in possession of the Council but may be withdrawn at any time before the vote with the unanimous consent of Council.

Motions, Contrary to Rules

13.2 Whenever the Chair is of the opinion that a motion offered to the Council is contrary to law or the rules and privileges of the Council, they shall apprise the Members thereof before ruling the question out of order, and quote the law or rule of authority applicable to the case without argument or comment thereon.

Motions, Out of Order

13.3 A motion at a regular meeting respecting any issue or matter which does not appear on the agenda of that meeting shall be ruled out of order unless added to the Agenda in accordance with Article 7.2 herein.

Motions, Precedence for Debate

13.4 When a question is under debate, no motion shall be received unless it be a motion,

- (1) for adjournment;
- (2) for the previous question (call the question);
- (3) to lay on the table (postpone indefinitely);
- (4) to defer;
- (5) to refer; or
- (6) to amend;

in the order of the speaker's list, which shall have precedence in the order in which they are named. Motions (1) to (5) shall be decided without debate except in (3), (4) and (5), where discussion as to appropriateness of time and place shall be allowed.

Motions, To Table

13.5 When a motion to table prevails, the question so delayed may be called up at any subsequent meeting, by a motion, as unfinished business.

Motions, Point of Order

13.6 The Member shall clearly state the Point of Order that they wish to raise. When the Chair is called on to decide a Point of Order, they shall state the rule or authority applicable to the case and such decision is final unless successfully challenged without debate by a majority of Members present.

Motions, Point of Personal Privilege/Point of Privilege

13.7 The Member shall clearly state the Point of Personal Privilege/Point of Privilege and the statement or issue which they wish to correct, or explain circumstances they believe affects them adversely; whereas, a Point of Privilege may be an issue that reflects improperly upon Council or the City as a whole or a matter that may affect the ability of the Council to carry out its business effectively and efficiently. Questions of privilege can be raised immediately after a Member feels their right or privileges have been infringed on, as long as no speaker is interrupted.

Motions, Speaking on

13.8 No Member shall speak more than twice on the same question, without leave of Council, except in explanation of a material part of their speech which may have been misconceived, but in no event shall they introduce a new matter. The above notwithstanding, debate by any one Member on any one item shall be limited to not more than 5 minutes, including staff responses to the question of the Member. The mover or in their place, the seconder of a resolution will be given the opportunity to open and to close debate on a motion. Should a Member other than the mover or seconder wish to speak first to a motion, the Chair shall ask the mover and seconder if they are willing to yield the floor. The Chief Administrative Officer may, for expediency and clarity, comment on matters before Council, as recognized by the Chair.

Motions, Interruption of Putting the Question

13.9 When the Chair is putting a question, no Member shall interrupt the Chair, except to raise a question of order, nor shall any Member walk across or out of the room.

Motions, Voting

13.10 Every Member present, who has not declared a pecuniary interest, shall have one vote on any motion. If a member abstains from voting is deemed to be a vote in opposition.

13.11 The Mayor is only required to vote on matters to break a tie or when a recorded vote has been requested by a member of Council.

Motions, Challenge the Chair

13.12 If a Member disagrees with a decision/ruling of the Chair, they shall immediately following the decision of the Chair state that they wish to Challenge the decision of the Chair. The Challenge is not debatable and only the giving of reasons for the Challenge is permitted. A motion to Challenge the Chair requires a seconder. The Chair shall state clearly the ruling at issue and state the reasons for their ruling and pose the question to the Members: "Shall the decision of the Chair be upheld?". Members voting in favour agree with the decision of the Chair. Members voting in opposition do not agree with the decision of the Chair. A tie vote in this situation sustains the decision of the Chair. The Chair may vote to create a tie, thus sustaining their decision. After the result of the vote is announced by the Chair, the Chair shall resume the business of Council, accordingly.

ARTICLE 14 - AMENDMENTS TO MOTIONS

Order of Considering Amendments

14.1 All amendments shall be put in the reverse order in which they are moved, except in filling in blanks, when the longest time and the largest sum shall be put first.

Amendments, Deciding and Withdrawing

14.2 Every amendment shall be made in writing and be decided upon or withdrawn before the main motion is put to a vote.

Amendments, Amount Allowed

14.3 Only one amendment shall be allowed to an amendment and any amendment more than one must be to the main motion.

ARTICLE 15 - BY-LAWS

General

15.1 Every proposed by-law shall receive first, second, and third readings prior to it being passed. All three readings may take place at the same meeting, unless otherwise required by statute.

15.2 No proposed by-law shall be passed except by the vote of the majority of Council or by such vote as may be required otherwise.

Confirmatory By-law

15.3 By-laws of the City must comply with various legislative requirements, and specific provisions of various legislation require Council to act by by-law. Although it is not always practical to prepare a by-law for each and every particular circumstance, a Confirmatory By-law (also known as the Ratification By-law) shall serve as authorization to capture all items and actions before Council that would not require a comprehensive and unique by-law. The Confirmatory By-law shall even temporarily hold a by-law being passed at a later date by

comprehensive by-law to enable preliminary actions to occur, unless specifically stated to the contrary in the resolution. The Confirmatory By-law shall be the final order of business preceding adjournment and shall take place no later than immediately prior to Curfew.

Effect of Resolution/By-law

15.4 No resolution enacting a By-law passed by Council shall be deemed invalid or improperly passed by reason of the fact that such by-law, resolution, or accompanying communications or schedule or any part thereof was not read a first, second and third time (or read in full), provided all the members present determine to dispense with any of the readings or complete readings of the said by-law or resolution or any part thereof.

ARTICLE 16 - RECORDED VOTES AND SECRET BALLOTS

General

16.1 If a member present at a meeting at the time of a vote requests immediately before or after the taking of a vote that the vote be recorded, each Member present, except a Member who is disqualified from voting by an Act, shall announce their vote openly and the clerk shall record each vote.

Recorded Votes

16.2 Members shall always take their places when a recorded vote is called.

Secret Ballot Not Allowed

16.3 No vote shall be taken by ballot or by any other method of secret voting, except as otherwise provided, by the **Municipal Act, 2001**, as amended.

ARTICLE 17 – MOTION TO RECONSIDER A DECISION AT A SUBSEQUENT MEETING

17.1 A motion to reconsider enables Council or General Committee to bring back for consideration any matter which has previously been voted on at a subsequent meeting, whether or not the vote on the matter carried. No matter, after being decided by Council, shall be reconsidered within the same term of Council without first passing a motion to reconsider.

17.2 A motion to reconsider shall be made in the form of a notice of motion in accordance with Section 8, and may only be made by a Member who voted with the prevailing side, provided that where the matter was decided in the previous term of Council, the motion may be brought by any Member. A motion to reconsider may only be brought within two (2) subsequent regular meetings of Council after the Council meeting at which the vote was taken, and thereafter only after twelve (12) months after the Council meeting at which the vote was taken, unless a motion to reconsider has been approved by a two-thirds majority vote of those members present at a meeting.

17.3 A motion to reconsider is not debatable, is not amendable, and requires a two-thirds vote to carry. No discussion or debate on the main question shall be allowed unless and until the motion for reconsideration is carried. If a motion to reconsider carries, the matter to be reconsidered shall become the next order of business, and debate on the question shall proceed as though it had not been previously considered. If a motion for reconsideration carries, the matter shall be reopened in its entirety for Council consideration, unless the motion to reconsider specifies otherwise.

17.4 A motion to reconsider is out of order when,
 (a) it is applied to a vote on a motion to reconsider, or when it is practically the same as a motion to reconsider which has previously been decided;

- (b) materials steps have been taken pursuant to the decision on the previous motion that are not possible to undo, provided that the unexecuted part of a decision can be rescinded or amended;
- (c) the decision authorized the entering into of a contract when that contract has been executed;
- (d) reconsideration of the decision may adversely affect the legal rights, interests or privileges of a third party;
- (e) it is prohibited by law; or
- (f) practically the same result can be obtained by some other parliamentary motion.

ARTICLE 18 - CONDUCT AT MEETINGS

Address the Chair

18.1 Every Member when speaking shall address themselves through the Chair.

Chair Identifies Speaker

18.2 The Chair shall recognize Members who wish to speak to a matter. Once recognized, the Member may speak to the matter in accordance with Article 13.8 herein.

ARTICLE 19 - EFFECTIVE DATE/REPEAL OF BY-LAW

19.1 This by-law shall come into full force and take effect on the 17th day of September, 2024.

19.2 That By-laws 2017-6, 2017-149, 2020-35, 2020-41, 2020-58, and 2020-88 shall be and the same is hereby repealed upon the effective date of this by-law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL
THIS 17TH DAY OF SEPTEMBER, 2024.


MAYOR


CITY CLERK

Schedule "A" – Order of Business for Regularly Scheduled Meetings of Council

1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA)
2. ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA)
3. OPEN COUNCIL MEETING
 1. LAND ACKNOWLEDGEMENT
 2. NATIONAL ANTHEM
 3. OPENING REMARKS
 4. ACTIVITY REPORTS OF COUNCILLORS
 5. ADDITIONS/DELETIONS TO AGENDA
 6. ADOPTION OF MINUTES
 7. CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE (IN-CAMERA) ITEMS TO BE ADDED TO BLOCK
 8. DISCLOSURES OF INTEREST
 9. COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN)
4. ORAL REPORTS AND DELEGATIONS
 1. PRESENTATIONS
 2. LEGISLATED PUBLIC HEARINGS/MEETINGS
 3. DELEGATIONS
 4. AGENCIES, BOARDS, COMMISSIONS, AND COMMITTEE REPORTS
5. COMMITTEE-OF-THE-WHOLE (OPEN) TO DISCUSS ITEMS REMOVED FROM AGENDA BLOCK
6. BY-LAWS REMOVED FROM BLOCK
7. NOTICES OF MOTION
 1. COUNCILLOR MATTERS DISCUSSED WITH STAFF FOR REPORTING PURPOSES
 2. NOTICES OF MOTION (PREVIOUSLY SUBMITTED FOR DISCUSSION)
 3. CALL FOR NOTICES OF MOTION (FOR INTRODUCTION AT THE MEETING)
8. CORPORATION REPORTS
 1. MAYOR'S REPORT
 2. CHIEF ADMINISTRATIVE OFFICER'S REPORT
9. CONFIRMATORY BY-LAW
10. ADJOURNMENT

NOTE: *The above order of proceedings for regularly scheduled Council meetings is a guideline and may be altered from time to time by the Mayor or Clerk to accommodate scheduling and unforeseen circumstances.*

Schedule “B”

PREScribed FORM OF PETITION

To: The Council of the City of Welland
c/o Office of the City Clerk
60 East Main Street
Welland, ON L3B 3X4

I/We the undersigned, petition the Council of the City of Welland as follows:

Petition Text: Enter a brief description of the matter to being brought forward here and include the text on every page of the petition.

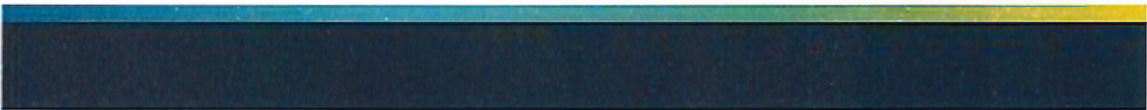
PRINTED NAME	PRINTED ADDRESS	SIGNATURE

By signing this petition, I hereby acknowledge that this petition will become a record belonging to the City of Welland and that all information contained in this petition will be available for viewing by the public and may be reproduced in a future Council Agenda.



DELEGATION PROTOCOL

- 1) When called upon by the Mayor/Chair at the Council/General Committee meetings, the delegate shall proceed immediately to the podium at the front of the Council Chambers.
- 2) If participating electronically, the delegate must wait on the Zoom meeting with their microphone muted and their camera off. When called upon the delegate shall unmute their microphone and turn on their camera.
- 3) Remarks should be brief and to a maximum length of **5 minutes per delegate.** Comments should be stated in a clear, concise, and factual manner. The Chair may at their discretion extend their length of time.
- 4) To reduce the possibility of any misunderstanding, and to facilitate necessary follow-up, the City Clerk requires a written copy of the presentation or remarks no later than 4:00 p.m. the Tuesday prior to the meeting. If a written copy is not received either electronically or in hardcopy by the deadline, the delegate may be removed from the agenda.
- 5) Discussion on topics other than the subject matter of the delegation request will not be permitted.
- 6) Subsequent delegations on the same topic, without significant new information, will not be permitted. The City Clerk will determine if the new information is significant.
- 7) In accordance with Council's Procedural By-law, delegates must be civil and respectful, not use offensive language, and refrain from ridiculing or berating any individuals. Remarks or questions concerning the character or performance of named individuals or groups shall be immediately ruled out of order. The City reserves the right to immediately end the delegation for improper conduct or failure to comply with Council's rules. Any future offences at a subsequent meeting by the same individual will result in forfeiture of their right to speak for a period of time to be determined by Council, dependent upon the seriousness of the offence. Refusal of the individual to respect the ruling of the Chair will result in the meeting being immediately halted until the individual exits the Council Chambers or the Zoom call.
- 8) Upon completion of their remarks, the delegate should remain in position to allow for possible questions from Council members. Council members may ask questions for clarification purposes only. Staff shall not be called upon during a delegation.

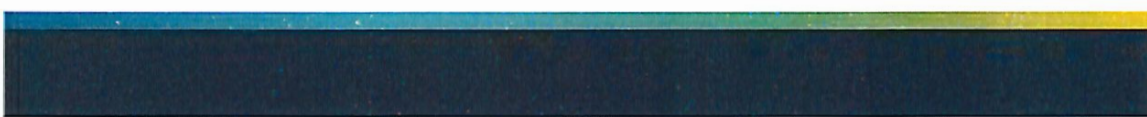


9) After completion of questions, the delegate will be asked to return to their seat in the public gallery or if participating electronically mute their microphone and turn off their camera.

10) Members of the public are to refrain from making audible comments or noise (i.e. applause) while in the Council Chambers.

11) Members of the public are not permitted to join meetings electronically unless they have been sent an invitation through the City Clerk. Members of the public who wish to watch the meetings electronically are welcome to do so via the Livestream link available on the city's website.

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DELEGATION REQUEST FORM

DELEGATION GUIDELINES:

- All delegate presentations shall not exceed 10 minutes in length including requests for multiple topics. However, the length of time may be limited by the Chair if a large volume of individuals is expected to speak to the item.
- Remarks are to be concise. Discussion on topics, other than the subject matter of the delegation request, will not be permitted. If a delegate submits multiple requests for the same meeting consideration will be given in consultation with the City Clerk and Mayor.
- Personal attacks or inappropriate language will not be tolerated. The City reserves the right to curtail delegations for disorder or breach of the Procedural By-law.
- Where possible, it is requested that one spokesperson represent the similar interests of a group of delegates.
- A written copy of the presentation and/or summary of remarks must be submitted to the City Clerk no later than 4:00 p.m. on the Tuesday prior to the meeting. This allows for any clarification and/or follow-up that may be required.

Name	
Organization	
Address	
City/Town	
Postal Code	
Email Address	
Telephone Number	
Topic/Request	
Date requesting to present to Council/General Committee	
*Date to be confirmed by City Clerk	



Do you have a visual presentation?	
Attendance in-person or virtual?	

- I understand presentation materials including speaking notes and electronic presentations must be submitted by email to clerk@welland.ca no later than 4:00 p.m. on the Tuesday prior to the scheduled meeting.
- I acknowledge I have 5 minutes to delegate
- I give permission to be audio and video recorded on the City of Welland's livestream.
- I agree to follow Council's Procedural By-law, and I acknowledge that any disorder or breach of the rules may result in forfeiture of the privilege to delegate to Council.
- Do you require accessible accommodation to participate?

Personal information, as defined in the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), collected in connection with the request to appear as a delegate at a City of Welland Council meeting will be used solely for the purposes related to the delegation for the specified meeting and for any consistent purposes, including the delegate's name and submission being included on the meeting agenda, minutes, and related materials. By providing your information, you acknowledge that all personal information submitted to the City of Welland is being collected under the authority of the Municipal Act and is subject to disclosure under the Municipal Freedom of Information Act (MFIPPA). Questions about this collection, use and disclosure of this personal information may be directed to the City Clerk at clerk@welland.ca.

- I have read and understand the privacy disclaimer.

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