

CITY OF ST. THOMAS

BY-LAW NO. 110-82

A By-Law to Provide Rules Governing the Order and Proceedings
of the Council of the Corporation of the City of St. Thomas,
the Conduct of its Members, and the Calling of Meetings.

AS AMENDED BY:

By-Law No. 7-94	January 17th, 1994
By-Law No. 5-98	January 5th, 1998
By-Law No. 40-98	March 23rd, 1998
By-Law No. 116-99	August 17th, 1999
By-Law No. 150-2000	October 2nd, 2000
By-Law No. 59-2002	April 15th, 2002
By-Law No. 131-2002	August 13th, 2002
By-Law No. 174-2002	December 9th, 2002
By-Law No. 160-2006	December 11th, 2006
By-Law No. 52-2012	April 16th, 2012
By-Law No. 140- 2013	October 21st, 2013
By-Law No. 56-2014	March 17, 2014
By-Law No. 2-2016	January 11, 2016
By-Law No. 155-2018	December 17, 2018
By-Law No. 23-2020	February 10, 2020
By-Law No. 54-2020	March 20, 2020
By-Law No. 18-2021	February 2, 2021
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of the Council of the Corporation of the City of St. Thomas,
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WHEREAS the Municipal Act, 2001, S.O. 2001 requires municipalities to pass a procedure by-law governing the calling, place and proceedings of meetings;

AND WHEREAS it is necessary and expedient that there should be rules governing the order and procedure of the Council and its Committees:

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. THOMAS ENACTS AS FOLLOWS:

1. GENERAL

1.1 The Mayor is the Head of the Council.

1.1.2 No person, except members of the Council or officers or Department Heads, shall be allowed to come within the Council bar during the sittings of the Council, without the permission of the Head of the Council or Presiding Officer.

1.1.3 Any standing rule, order of Council or provision of this By-Law may be suspended by resolution of Council provided the majority of all the members of the Council vote in favour thereof.

1.1.4 Time, in this By-Law, shall be governed by Eastern Standard Time, except that Eastern Daylight Time shall govern, when in effect.

1.1.5 All proceedings of the Council, or its committees, not specifically provided for in this By-Law, shall be dealt with in accordance with parliamentary procedure, and in such cases the decision of the Head of Council or Presiding Officer shall be final and accepted without debate.

2. DECLARATION OF OFFICE

2.1 No business shall be proceeded with at the first meeting (of the Council after a regular election) until after the declarations of office have been made by all members who present themselves for that purpose.

2.2 The declarations of office and oaths of allegiance shall be made and sworn by the members before the Clerk, or any other designated Commissioner, before taking their seat in the Council Chambers.

2.3 The Council shall be deemed to be organized within the meaning of the Municipal Act when the declarations of office have been made by a majority of the members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to make such declarations.

3. INAUGURAL PROCEEDINGS

3.1 In this By-Law, an "Inaugural" meeting shall mean the first meeting of the Council after a regular election, being the beginning of a term of office of the Council.

3.2 The Inaugural meeting of the Council shall be held in the Council Chambers, at the City Hall, on the third Monday in November, at 7:00 p.m., local time, unless such day be a public holiday in which event the Council shall meet on the next following day not being a public holiday, at the same place and at the same time.

- 3.3 The Inaugural meeting of the Council shall, at the appointed hour, be called to order by the Clerk, who shall order the "All Rise" during which the members, preceded by the Head of the Council shall enter the Chamber and shall remain standing at their places.
- 3.4 The Clerk shall thereupon announce the results of the proceeding regular elections to the Council, and shall receive and attest to the declarations of office and oath of allegiance of each of the members, commencing with the Head of the Council, followed, in unison, by the Councillors.
- 3.5 When the declarations of office have been made by a majority of the Members, the Clerk shall announce that the Council shall be deemed to be organized within the meaning of the Municipal Act.
- 3.6 The Head of the Council shall then present his/her Inaugural Address.

4. COUNCIL APPOINTMENTS

- 4.1 In this section "appoint" includes to nominate;
- 4.2 Except as otherwise provided by law and subject to Subsection 4.3, the Council at its Inaugural meeting and thereafter at its first meeting held after the commencement of each year of its term of office, shall:
 - 4.2.1 establish such committees or other bodies as may be required by law or considered necessary or appropriate to facilitate the expeditious conduct of the business of the Council, and
 - 4.2.2 appoint one or more persons as the circumstances of each case require, or as the Council may decide, to every board, commission, committee or other body on which the City has membership.
- 4.3 Committees or other bodies may be established and appointments may be made from time to time by the Council as may be required by law or considered necessary or appropriate in the circumstances of each case and such establishment and appointment shall be at the pleasure of Council.
- 4.4 Except as otherwise provided by law, persons appointed by the Council may upon the expiration of such appointment, be eligible for reappointment to the same board, commission, committee or other body.

5. MEETINGS OF COUNCIL

- 5.1 After its Inaugural Meeting, the regular meetings of the Council shall be held on the first, second, and third Mondays of each month at 5:00 p.m., local time, unless otherwise ordered by a resolution of the Council, or unless such day be a public holiday, in which case, the Council shall meet on the next following day not being a public holiday, at the same place and at the same hour and when required, Closed Session of Council shall commence immediately following the regular session of Council provided there are no conflicts with other scheduled meetings.
- 5.2 The Council may in any year hold only one regular meeting during each of the months of July and August and such meetings shall be held at the Council Chambers at the City Hall, on a day and at an hour ordered by a resolution of the Council.
- 5.3 Notice shall not be required to be given of regular meetings of the Council unless the day of meeting be other than that provided by this By-Law, but the mailing out or delivery of the Orders of the Day shall be considered as adequate notice of such regular meetings.
- 5.4 The Head of the Council shall preside at all meetings of the Council.
- 5.5 The Head of the Council may at any time summon a special meeting, and upon receipt of the petition of the majority of the members of the Council, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition.

- 5.6 If there is no by-law or resolution fixing the place of meeting, a special meeting shall be held at the place where the then last meeting was held, and a special meeting may be either open or closed as in the opinion of the Council, expressed by resolution in writing, the public interest requires.
- 5.7 All meetings shall be open to the public and no person shall be excluded therefrom, except for improper conduct and except for those parts of meetings which may be closed to the public under the Municipal Act or any other Act.
- 5.8 A member of Council may participate electronically in a meeting that is both open and closed to the public and will be counted in determining whether or not a quorum of members is present at any point in time.

6. COMMENCEMENT OF MEETINGS

- 6.1 A majority of the whole number of members required to constitute a council is necessary to form a quorum.
- 6.2 As soon after the hour of meeting as there shall be a quorum present, the Head of the Council shall take the chair and call the members to order.
- 6.3 In the absence of the Head of the Council, or if his/her office is vacant, or if he/she refuses to act, the Council may, from among the members, appoint a presiding officer who, during such absence or vacancy or refusal to act, has all the powers of the head of the Council.
- 6.4 If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a presiding officer from among themselves, and he/she has the same authority as the absent person would have had if present.
- 6.5 If there be no quorum present within thirty minutes after the time appointed for the meeting of the Council, the Clerk shall take down the name of the members then present and the Council shall stand adjourned until the next regular meeting day or until a special meeting is called to deal with the matters intended to be dealt with at the adjourned meeting.

7. ORDERS OF THE DAY

- 7.1 The General Orders of the Day of each regular meeting of the Council shall be prepared by the Clerk as follows:

Land Acknowledgement Statement
Disclosures of Interest
Minutes
Deputations
Committee of the Whole
Reports of Committees
Petitions and Communications
Unfinished Business
New Business
By-Laws
Public Notice
Notices of Motion
Adjournment

- 7.2 The business shall in all cases, be taken up in the order in which it stands upon the "Orders of the Day" unless otherwise determined upon a vote of two-thirds of the members present, and all questions relating to the priority of business shall be decided without debate.

7.2.1 LAND ACKNOWLEDGEMENT STATEMENT

The following land acknowledgement statement shall be printed on all regular Council meeting agendas.

We acknowledge that the land on which we meet is the traditional territory of the Haudenosaunee, Anishinabek, Attiwonderonk (Neutral) and Mississauga peoples and is now home to many diverse First Nations, Inuit and Métis peoples.

We also recognize that this land is now home to the Munsee-Delaware Nation, Chippewas of the Thames First Nation and Oneida Nation of the Thames.

This land was settled through Treaty 2, the McKee Purchase Treaty of 1790, and we, as beneficiaries of the treaty recognize our collective responsibilities to the land and water.

7.3 DISCLOSURES OF INTEREST

Any Member having a pecuniary interest shall disclose the interest and the general nature thereof prior to any consideration of the matter at the meeting.

7.4 MINUTES

7.4.1 The minutes of previous meetings not yet adopted, shall be presented by the Clerk for confirmation.

7.4.2 It shall not be necessary to have the minutes read where copies thereof have been furnished to members of Council.

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

7.5 DEPUTATIONS

7.5.1 All depositions shall be heard by the Council. Any person desiring to be heard, shall submit a request in writing to the Clerk, not later than 12:00 p.m. of the Tuesday preceding the day of the Council meeting, stating the nature of the business to be discussed. Persons addressing Council shall confine their remarks to the stated business.

7.5.2 Any person or persons, not being members of the Council, desiring to address the Council, shall be permitted to do so on a motion to that effect being carried by a majority vote of the members present.

7.5.3 Subject to Section 7.5.1 and 7.5.2, no person shall be permitted to speak more than ten minutes except that a deputation consisting of more than five persons shall be limited to two speakers each limited to speaking not more than ten minutes.

7.6 REPORTS OF COMMITTEES

7.6.1 Reports of Committees shall be presented by the Chair or Acting Chair of the Committee.

7.6.2 Reports of Committees may be recommitted to the same or a different Committee.

7.7 PETITIONS AND COMMUNICATIONS

7.7.1 Every communication or petition intended for presentation to the Council, must be legibly written, typed or printed and signed by at least one person. The Clerk shall list on the Orders of the Day only those communications and petitions received prior to 12:00 p.m. on the Tuesday preceding the regular Council meeting which pertain to matters contained in the reports and other material listed on the Orders of the Day. All communications or petitions received after 12:00 p.m. on the Tuesday preceding the day of the Council shall be held over to the next regular meeting of Council. Correspondence containing obscene or defamatory language shall not be presented to the Council.

7.7.2 Notwithstanding Section 7.7.1, any petition, remonstrance or other written communication may be presented to the Council by any member thereof, not signing or being a party to the same, by depositing same with the Clerk, not later than four hours before the hour at which the Council meets, except on extraordinary occasions. Every member presenting any petition, remonstrance, or other written communication to the Council, shall examine the same and be answerable that it does not contain any impertinent or improper matter that the same is respectful and temperate in its language, and shall have endorsed thereon the name of the communicant and the substance of such communication bears the signature of the member attesting thereto.

7.7.3 No member shall speak upon, nor shall a debate be allowed upon, the presentation of a petition or other communication to the Council. However, a member may move that in referring a petition or other communication certain instructions may be given by the Council, or that the petition or communication shall be referred to a select committee. If the petition or communication complains of some present personal grievance, requiring immediate remedy, the matter contained therein may be brought into immediate discussion and disposed of forthwith.

7.7.4 Any member may move to take up or refer a communication or petition made or presented to the Council during the year in which such motion is made, or during the year next preceding that in which such motion is made, and whether such communication or petition has been referred to a committee and reported upon or not; but no motion shall be in order to take up or refer a communication or petition made or presented at any time before the commencement of the year next preceding such motion.

7.8 UNFINISHED BUSINESS

7.8.1 The items listed in the order of the topics set out as the routine of business of prior meetings, which have not been disposed of by Council, and the date of their first appearance on the Orders shall be noted, and repeated on each subsequent Order until disposed of by Council unless removed from the Order of Business by leave of Council.

7.9 NEW BUSINESS

7.9.1 Items of New Business shall include:

7.9.1.1 motions of which prior notice have been given.

7.9.1.2 motions of a routine nature.

7.10 BY-LAWS

7.10.1 Every By-Law shall be introduced upon motion therefor and shall be read three times before it is finally passed.

7.10.2 On a motion duly moved and seconded, a by-law or by-laws may be read a first time, referred to Committee of the Whole for consideration and read a second time.

7.10.3 On the first reading, amendment or debate shall not be permitted, but all amendments and debate on the context of a by-law shall be restricted to the second reading.

7.10.4 In proceedings in Committee of the Whole upon by-laws, every enacting clause shall be considered in its numeric order, the preamble shall next be considered, and then the title.

7.10.5 The proceedings in Committee of the Whole on the by-laws shall be reported by the Chair to the Council, as soon as the Committee rises, and shall be taken under consideration forthwith. Upon motion for the adoption by the Council of the report of the Committee, it shall be in order for any member to move, in amendment, that the report be referred back to the Committee.

7.10.6 Unless otherwise ordered, the third reading shall be given immediately following adoption of the Committee of the Whole report.

7.10.7 Every by-law which has passed the Council shall:

- 7.10.7.1 be numbered and the date on which the several readings were given shall be entered thereon by the Clerk,
- 7.10.7.2 be under the seal of the Corporation, and shall be signed by the Head of the Council, or by the presiding officer at the meeting at which the by-law was passed and by the Clerk.
- 7.10.7.3 be typewritten and indexed.
- 7.10.7.4 be deposited by the Clerk for security in the vault assigned to the Clerk's office.

7.10.15 PUBLIC NOTICE

- 7.10.15.1 Where notice of intention to pass a by-law or notice of a public meeting is required to be given, the Clerk shall cause such notice to be listed in the Council Agenda under the heading Public Notice.
- 7.10.15.2 Where notice of intention to pass a by-law or notice of a public meeting is required to be given, such notice shall be provided in the time frame prescribed in the Act or its regulations, and if not so prescribed, notice shall be given at the previous regular Council meeting.
- 7.10.15.3 Unless otherwise prescribed in the Act or its regulations, where notice of intention to pass a by-law or notice of a public meeting is required to be given, the form of the notice shall include a description of the purpose of the meeting, or the purpose and effect of the proposed by-law and the date, time and location of the meeting.
- 7.10.15.4 The notice provisions set out in Sections 7.10.15.1.1, 7.10.15.1.2, and 7.10.15.1.3 shall apply to the adoption of the annual budget in total.
- 7.10.15.5 Where expenditure estimates approved in the budget have been subject to quotations or tenders quoting an amount greater than the estimated expenditure for that item, notice of a staff report regarding such amendment to the budget shall be included in the previous Council Agenda, under the heading Public Notice.
- 7.10.15.6 New projects that have not been included in the annual budget shall be detailed in a staff report and notice of the staff report regarding such amendment to the budget shall be included in the previous Council Agenda, under the heading Public Notice.
- 7.10.15.7 Normal operating costs incurred prior to the adoption of the annual budget shall not require notice, and approval of such expenditures shall be deemed ratified upon the adoption of the annual budget.
- 7.10.15.8 Where separate by-laws have been enacted in accordance with provisions contained in the Act, the notice provisions set out in such by-laws shall prevail.
- 7.10.15.9 No notice shall be required under this by-law, where the provision of notice will interfere with the ability of Council to conduct business with respect to a matter permitted for a closed session under Section 239 of the Act.
- 7.10.15.10 Nothing in this by-law shall prevent the Clerk from using other methods of notice or providing for a longer notice period.

- 7.10.15.11 If a matter arises, which in the opinion of the City Manager, in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the City of St. Thomas, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the notice requirements of this by-law may be waived and the Clerk shall make his/her best efforts to provide as much notice as is reasonable under the circumstances.

7.11 NOTICES OF MOTION

7.11.1 Notice shall be given in writing at a previous meeting of Council:

- 7.11.1.1 to amend, repeal, or alter this by-law.
- 7.11.1.2 to introduce any measure or change in the Council's established policy.

7.12 ADJOURNMENT

7.12.1 The Council may adjourn its meetings from time to time.

7.12.2 The Council shall always adjourn at the hour of 11:00 p.m., if in session at that hour, unless otherwise determined by the majority of the members present.

8. DUTIES OF PRESIDING OFFICER

8.1 The Head of Council shall preside at all meetings of Council.

8.2 The Presiding Officer shall:

- 8.2.1 as soon after the hour of meeting as there shall be a quorum present, take the chair and call the members to order;
- 8.2.2 announce the business before the Council in accordance with the Orders of the Day;
- 8.2.3 receive and submit, in the proper manner, all motions presented by the members of Council;
- 8.2.4 put to vote all questions, which are regularly moved and seconded, or necessarily arise in the course of the proceedings, and announce the result;
- 8.2.5 decline to put to vote motions which infringe the rules of procedure;
- 8.2.6 restrain the members, when engaged in debate, within the rules of order;
- 8.2.7 enforce on all occasions the observance of order and decorum among the members;
- 8.2.8 receive all messages and other communications and announce them to the Council;
- 8.2.9 authenticate, by signature, when necessary, all by-laws, resolutions, and minutes of the Council;
- 8.2.10 inform the Council, when necessary or when referred to for the purpose, in a point of order or usage;
- 8.2.11 select the members who are to serve on Committees, when directed to do so in a particular case, or when it is made a part of his/her general duty by a rule of procedure;
- 8.2.12 represent and support the Council, declaring its will, and implicitly obeying its decisions in all things;

- 8.2.13 ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council;
- 8.2.14 adjourn the meeting when the business is concluded;
- 8.2.15 adjourn the meeting without question put in the case of grave disorder arising in the Council Chamber.
- 8.3 The Head of the Council or other presiding officer may expel or exclude from any meeting, any person who has been guilty of improper conduct at the meeting.
- 8.4 If the Head of the Council, or presiding officer, desires to leave the Chair for the purpose of taking part in the debate or otherwise, he/she shall call on one of the members to fill his/her place until he/she resumes the Chair.
9. RULES OF CONDUCT AND DEBATE
- 9.1 Every member desiring to speak shall rise in his/her place and address himself/herself to the Head of the Council or presiding officer.
- 9.2 When two or more members rise to speak, the Head of the Council or presiding officer shall call upon the member who rose first in his/her place; but a motion may be made that any member who has risen "be now heard" or "do now speak".
- 9.3 A member called to order from the chair shall immediately sit down, but may afterwards explain, and the Council, if appealed to, shall decide the case, but without debate. If there be no appeal, the decision of the Head of the Council shall be final.
- 9.4 No member shall speak disrespectfully of the reigning Sovereign or of any member of the Royal Family, or of the Governor-General, Lieutenant-Governor, or person administering the Government of Canada or of this Province, nor shall he/she use offensive words in or against the Council or against any member thereof, nor shall he/she speak beside the question in debate. No member shall reflect upon any vote of the Council except for the purpose of moving that such vote be rescinded.
- 9.5 No member shall resist the rules of the Council, or disobey the decision of the Head of the Council, or of the Council on questions of order or practice or upon the interpretation of the rules of the Council. In case any member shall so resist or disobey, he/she may be ordered by the Council to leave his/her seat for that meeting. In case of his/her refusing to do so, he/she may, on the order of the Head of the Council, be removed therefrom by the Police. In case of ample apology being made by the offender, he/she may by vote of the Council be permitted forthwith to resume his/her seat.
- 9.6 When the Head of the Council is putting the question, no member shall walk across or out of the room, or make any noise or disturbance, nor when a member is speaking shall any other member pass between him/her and the Chair, or interrupt him/her, except to raise a point of error.
- 9.7 When the question under discussion does not appear on the Orders of the Day or has not been printed and distributed any member may require it to be read at any time of the debate, but not so as to interrupt a member while speaking.
- 9.8 No member shall speak more than once to a question, without leave of the Council, except in explanation of a material part of his/her speech which may have been misunderstood, but then he/she is not to introduce a new matter.
- 9.9 A member must not, in debate, stray from the question before the Council to matters which have been decided during current year or anticipate a matter appointed for the consideration of the Council or of which notice has been given.

- 9.10 A member who has made a substantive motion to the Council, shall be permitted a reply but any member who has moved an order of the day, an amendment, the previous question, or an instruction to a committee, shall not be permitted to reply.

In any such cases the Head of the Council shall inform the Council that the reply of the mover of the original motion closes the debate.

- 9.11 No member shall, without leave of the Council, speak to the same question, or in reply, for longer than five minutes.
- 9.12 If a member desires to leave a meeting of Council prior to adjournment and not return thereto, he/she shall so advise the Head of Council or presiding officer, and his/her departure shall be recorded.
- 9.13 If the Head of Council or presiding officer desires to leave the chair for the purpose of taking part in a debate or for other reasons, he/she shall call one of the members of Council to fill his/her place until he/she resumes the Chair.
- 9.14 The members of the Council shall not leave their places, on adjournment, until the Head of the Council leaves the Chair.

10. POINTS OF ORDER, INFORMATION, INQUIRY AND QUESTIONS OF PRIVILEGE

- 10.1 In this part:

- 10.1.1 "Point of Order" means the raising of a question by a member with the view of, calling attention to any departure from the Standing Orders or the customary modes of proceeding in debate or in the conduct of the Council's business.
- 10.1.2 "Point of Information" means directing a request to the Chair, or through the Chair, to another member or to the staff, for information relevant to any matter connected with the business of the City, but not related to parliamentary procedure.
- 10.1.3 "Parliamentary Inquiry" means directing a question to the Chair to obtain information on a matter of parliamentary law or the rules of the Council bearing on the business at hand in order to assist a member to make an appropriate motion, raise a point of order, or understand the parliamentary situation or the effect of a motion.
- 10.1.4 "Question of Privilege" means the raising of a question which concerns a member of Council, or the Council collectively, in respect of the following matters, namely:
- 10.1.4.1 When a member believes that another member has spoken disrespectfully or contemptuously towards him/her or the Council collectively, or has committed other serious breach of the rules of the Council.
- 10.1.4.2 When a member believes that his/her comments have been misunderstood or misinterpreted by another member or members.
- 10.2 Whenever any point of order, parliamentary inquiry or question of privilege arises, it shall be immediately taken into consideration.
- 10.3 When a point of information is raised, the Chair shall answer the question or direct the question to the appropriate member of Council or staff.
- 10.4 Whenever a question of privilege arises, the Chair shall rule upon the admissibility of the question. If the Chair rules favourably, the member who raised the question of privilege shall be permitted to pursue the said question. The decision of the Chair shall be final unless an appeal is made to the Council.
- 10.5 When the Chair is called upon to decide a point of order or to answer a parliamentary inquiry, the point shall be stated without unnecessary comment, and the Chair shall state

the rule or authority applicable in the case.

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- 10.6 When a point of order is raised or when a member is called to order from the Chair, the member speaking shall immediately be seated and shall remain seated until the Chair shall have decided the point raised. The member raising the point may be permitted to explain. The decision of the Chair on a point of order shall be final, unless an appeal is made to the Council, in which case the question, "shall the ruling of the Chair be sustained?" shall immediately be put and be determined without debate.
- 10.7 Whenever the Chair is of the opinion that any motion offered to the Council is contrary to the rules of the Council he/she shall advise the members thereof immediately and quote the rule or authorities applicable. Argument or comment shall not be permitted.

11. MOTIONS

- 11.1 All motions shall be in writing and seconded before being debated or put from the Chair. When a motion is seconded, it shall be read by the Head of the Council, or a presiding officer, or the Clerk, before debate.
- 11.2 After a motion is read by the Head of the Council, presiding officer, or the Clerk, it shall be deemed to be in possession of the Council, but may, with permission of the Council, be withdrawn at any time before decision or amendment.
- 11.3 Any member may require the question or motion under discussion to be read at any time during the debate, but may not interrupt a member while speaking.
- 11.4 When a question is under consideration, no motion shall be received unless:
- 11.4.1 To commit.
- A motion for reference to a committee, until decided, shall preclude all amendments of the main question.
- 11.4.2 To amend.
- 11.4.2.1 An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different subject shall not be in order. Only one amendment shall be allowed to an amendment, and any amendment more than one must be to the main question.
- 11.4.2.2 The paragraph to be amended shall first be read as it stands, then the words proposed to be struck out, and those to be inserted, and finally the paragraph as it would stand is so amended.
- 11.4.3 Amendments shall be put in the reverse order to that in which they are moved. Every amendment submitted shall be reduced to writing, and it shall be decided or withdrawn before the main question is put to the vote.
- 11.4.3 To postpone indefinitely.
- 11.4.4 To postpone to a certain time.
- 11.4.5 To adjourn.
- 11.4.5.1 A motion to adjourn the Council or to adjourn the debate shall always be in order, but no second motion to the same effect shall be made until after some intermediate proceeding shall have been had.
- 11.4.5.2 A motion to adjourn the Council or the debate to a certain day or adding any expression of opinion or qualification thereto shall be subject to debate.

11.4.6 To move the previous question.
A motion for the previous question:

- 11.4.6.1 cannot be amended;
- 11.4.6.2 cannot be proposed when there is an amendment under consideration;
- 11.4.6.3 shall preclude all amendment of the main question;
- 11.4.6.4 when resolved in the affirmative, the question is to be put forthwith without debate or amendment;
- 11.4.6.5 when resolved in the negative, the question shall not be put at the meeting but placed on the routine of business for the next ordinary meeting of Council or such later meeting as the Council may decide but not later than the last ordinary meeting of the Council to be held in the year in which the original motion was made;
- 11.4.6.6 cannot be received in any Committee of Council;
- 11.4.6.7 can only be moved in the following words "That the question be now put"; and
- 11.4.6.8 may be voted against by the mover and seconder.

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11.5 Precedence of motions and rules governing such motions shall, unless otherwise indicated herein, be in accordance with Schedule "A" to this By-Law.

12. VOTING ON MOTIONS

- 12.1 Each member present in the Council Chamber when a question is put shall vote thereon, except a member who is disqualified from voting by an Act, and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote.
- 12.2 The Head of the Council, or the presiding officer, except where he/she is disqualified to vote by reason of interest or otherwise, may vote with the other members on all questions, and, except where otherwise expressly provided by this Act, any question on which there is an equality of votes shall be deemed to be lost.
- 12.3 When the question under consideration contains distinct propositions, upon the request of any member, the vote upon each proposition will be taken separately.
- 12.4 After the question is finally put by the Head of the Council, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared, and the decision of the Head of the Council as to whether the question has been finally put shall be conclusive.
- 12.5 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 by any Act, shall announce his/her vote openly, and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the clerk shall record each vote.

No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.

13. RECONSIDERATION

- 13.1 After a motion is passed or report adopted, no motion for a reconsideration thereof shall be introduced, unless it is moved and seconded by two members from among those who voted on the prevailing side.
- 13.2 No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.
- 13.3 No discussion of the question that is to be the subject of the reconsideration shall be allowed, unless the motion to reconsider is carried.

14. COMMITTEE OF THE WHOLE PROCEEDINGS

- 14.1 Whenever it shall be moved and carried that the Council go into Committee of the Whole, the Head of the Council or presiding officer, shall Chair the meeting.
- 14.2 When items of business so require, meetings of the Committee of the Whole, in camera, may be held at any meeting of the Council upon motion to do so carried by an affirmative majority vote of the members of the Council present.
- 14.3 Such meetings of the Committee of the Whole, in camera, shall be held after Notice of Motions, in the Orders of the Day.
- 14.4 When by-laws are under discussion in Committee of the Whole, the identified introducer of the by-laws shall take the chair.
- 14.5 The rules of Council, including voting on motions, shall be observed in Committee of the Whole, so far as may be applicable, except that no motion for the previous question or for adjournment be allowed. The number of times for speaking on any question shall not be limited.
- 14.6 Questions of order arising in Committee of the Whole shall be decided by the Chair, subject to an appeal to the Committee; and if any disorder should arise in the committee, the Head of Council or presiding officer shall immediately resume the Chair, without any question being put, and thereupon the Council meeting shall be deemed to have resumed.
- 14.7 On motion in Committee of the Whole to rise and report, the question shall be decided without debate.
- 14.8 A motion in Committee of the Whole to rise without reporting or that the Chair leave the Chair, shall always be in order, and shall take precedence over any other motion. On such motion, debate shall be allowed, but no member shall speak more than once, and on an affirmative vote the subject referred to the committee shall be considered as disposed of in the negative. The Chair of the Committee of the Whole shall proceed with the next order of business, unless all of the items referred to the Committee of the Whole have been dealt with, in which case the Head of the Council or presiding officer shall resume the Chair and the Council shall receive the report of the Committee of the Whole.

15. STANDING COMMITTEES

- 15.1 The Standing Committees of Council shall be:

Strategic Direction and Development
Community Engagement and Services
Infrastructure and Civic Operations
Corporate Governance and Administration

- 15.2 The functional responsibilities of each of the Standing Committees of Council shall be those set forth in Schedule "B" to "E" respectively attached hereto and forming a part of this by-law.

16. SELECT COMMITTEES

- 16.1 Select (or special) Committees may be appointed for some special purpose, on motion of a Member, duly seconded and carried by a majority of the Council.
- 16.2 When a Select Committee has completed its work and made its report it dissolves automatically.

17. DUTIES OF COMMITTEE CHAIR

- 17.1 It shall be the duty of a Committee Chair:

- 17.1.1 to preside over all meetings of the Committee;
 - 17.1.2 to direct and lead the Committee to give to the matters referred to it due and sufficient consideration;
 - 17.1.3 to see that the rules of procedure are observed;
 - 17.1.4 to maintain order and decorum;
 - 17.1.5 to summon a meeting of the Committee whenever the Chair considers it necessary and whenever requested in writing by a majority of the members of the Committee to do so;
 - 17.1.6 to suspend the proceedings unless a quorum is present or adjourn the Committee to some future time;
 - 17.1.7 to sign the minutes of the Committee upon their confirmation by the Committee;
 - 17.1.8 to sign all orders and documents which the Committee may lawfully adopt;
 - 17.1.9 to report to the Council, or if a Sub-Committee, to the Committee appointing it, upon the progress of the business before the Committee.
 - 17.1.10 except in the case of a Chair of a Sub-Committee, to release any public announcement or public statement of program or project of a departmental nature to the media, in accordance with Council policy, and, in appropriate circumstances, to act jointly with the Mayor in the announcement of any major statement of policy, program or project of, or involving the municipality;
 - 17.1.11 to maintain effective liaison with the City Manager and the Administrative Department Heads and with the Chair of other Committees, where appropriate, in respect of the policies, programs, legislative and administrative matters within the functional jurisdiction of his/her Committee;
 - 17.1.12 to act as the Committee's representative and spokesperson.
- 17.2 The Chair except where disqualified to vote under any Act, may vote once only, on all questions submitted, and in the case of an equality of votes, the question shall be deemed to be lost.
- 17.3 In the absence of the Chair, one of the other Members of the Committee shall be appointed by resolution to preside, and such Acting Chair shall discharge the duties of the Chair during the meeting or until the arrival of the Chair.
- 17.4 A Chair desiring to leave the Chair for the purpose of taking part in the debate, or otherwise, shall call on one of the other members present to take the Chair until the Chair resumes it.
18. GENERAL RULES FOR ALL COMMITTEES
- 18.1 Any member of the Council may be placed on a Committee notwithstanding the absence of such member at the time of his/her being named on such Committee
- 18.2 Unless otherwise named by a motion of the Council, a Committee shall, at its first meeting, appoint a Chair of such Committee from among the members thereof.
- 18.3 The Mayor shall be, ex-officio, a member of all committees, and may vote on all questions before the committee and shall be counted in the formation of a quorum. The Chair of a Committee shall be ex-officio, a member of all sub-committees of such Committee and shall be counted in the formation of a quorum.
- 18.4 A majority of all members of a committee shall constitute a quorum.
- 18.5 Members of the Council may attend the meetings of any of its committees, but shall not be allowed to vote, nor shall they be allowed to take part in any discussion or debate, except by the permission of the majority of the members of the committee.

- 18.6 The Council or Committee, as the case may be, may appoint a member thereof to act on any committee in lieu and during the absence of any member thereto who is absent from the municipality or unable from illness, to attend the meetings of such committee, and the member so appointed shall be deemed a member of the committee and entitled to act thereon only during such absence or illness.
- 18.7 Should a Chair of any Committee neglect or refuse to call a meeting of this Committee at such times, or with such frequency, as the proper despatch of the business entrusted to the Committee requires, or undertake 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 or Committee who may, if they deem it advisable, remove said Chair from the Committee and appoint another member in his/her place, and also a new Chair of the said Committee.
- 18.8 Should any member or members of a Committee neglect or refuse to attend the properly summoned meetings of their Committees, the Chair shall report such neglect or refusal to the Council or Committee, who may remove the said member or members from the Committee and appoint another member or other members in his/her or their places; or should any Committee neglect or refuse to give due attention to all business or matters before them, the Council or Committee may by resolution discharge such Committee and appoint another in its stead.
- 18.9 No order or authority to do any matter or thing shall be recognized as emanating from any Committee, unless it is in writing, or unless it is signed by the Chair, or Acting Chair, or Secretary thereof, and refers to the minutes of the Committee under which it is issued.
- 18.10 The minutes of the transactions of every Committee shall be accurately recorded by the Clerk or Committee Secretary. At each subsequent meeting the minutes of the preceding meeting shall be submitted for confirmation or correction and after they have received the approval of a majority of the members present, shall be signed by the Chair.
- 18.11 Minutes shall be made of all Select Committees or Sub-Committees, and the proceedings thereof shall be reported in writing, to the Committee or Council that appointed the Committee.
- 18.12 The Clerk shall not be required to give notice of regular meetings of Committees, but the mailing and receipt of the agenda for the meeting shall constitute notice thereof.
- 18.13 The rules of the Council shall be observed in Committees so far as they are applicable, except that no motion for the previous question shall be allowed and in respect to Select Committees no motion for an adjournment shall be allowed. Motions relating to the matter under consideration shall be put in the order in which they are proposed. In taking the vote, the names of members shall not be recorded. The number of times of speaking on any question shall not be limited.
20. That By-Law 21-60 be and it is hereby repealed.
21. This by-law shall come into force on the day of its final passing.

READ a First and Second time this 15th day of November, A.D., 1982.

READ a Third time and Finally passed this 15th day of November, A.D., 1982.

P. J. Leack
City Clerk

D. Tarry
Mayor

Schedule "A"

Order of Precedence	Can Interrupt Speaker?	Requires a Second?	Debatable?	Amendable?	Vote Required?	Applies to what motions?	Can have what motions applied to it? (in addition to withdraw?)	Can be renewed at same meeting?
I. PRIVILEGED MOTIONS								
1. Adjourn	No	Yes	No (except as in Rule No. 703(e))	No	Majority	No other motion	No other motion	Yes (1)
2. Question of Privilege	Yes	No	No	No	No vote	No other motion	No other motion	Yes (1)
II. SUBSIDIARY MOTIONS								
3. Commit	No	Yes	Yes	Yes	Majority	Main, amend	Previous question	Yes (1)
4. Previous Question	No	Yes	No	No	Majority	Debatable motions	No other motion	Yes (1)
5. Amend	No	Yes	Yes	Yes (subject to Rule 703(b))	Majority	Variable in form	Subsidiary reconsider (2)	No
6. Postpone Indefinitely	No	Yes	No	No	Majority	Main motion	No other motion	No
7. Postpone to a certain time	No	Yes	No	No	Majority	Main motion	No other motion	No
III. MAIN MOTIONS								
8(a). General Main Motion	No	Yes	Yes	Yes	Majority subject to legal requirements	No motion	Specifically main subsidiary, object to consideration	No
(b). Specific Main Motions								
(i) Reconsider	No	Yes	Yes	No	Majority	Main, amend	Previous question postpone	No
(ii) Rescind	No	Yes	Yes	No	Majority	Main motion	All subsidiary motions	No
INCIDENTIAL MOTIONS (3)								
Appeal	Yes	Yes	Yes	No	Tie or majority	Decisions of chair	Reconsider, previous question, postpone	No
Point of Order	Yes	No	No	No	No vote	Any error	No other motion	No
Suspend Rules (BL 41-60)	Yes	No	No	No	Majority of all members	No motion	No other motion	No
Withdraw a Motion	No	No	No	No	Unanimous consent (Rule 7.02)	All motions	None	Yes (1)

(1) After change in parliamentary situation

(2) Restricted

(3) No order of precedence among themselves. Each motion decided immediately.

Schedule "B"

COMMUNITY ENGAGEMENT AND SERVICES

Ambulance Services
Art Gallery
Cemeteries
Charitable Institutions, Organizations and Service Clubs
Children's Services
Civil Defense
Community Gardens
Conservation Authorities
Courts and Correctional Services Liaison
Cultural Activities
Educational Services
Emergency Measures
Employment Incentive Programs
Family Services – Liaison with Family and Children's Services
Fire Protection/Prevention
Fireworks
Flags
Funerals and Burials (indigents)
Honours and Awards
Horton Farmers' Market
Hospital/Health Recruitment
Library
Museums
Nursing Homes
Parks and Recreation – Programs
Police Services
Public Health
Social Assistance
Social Housing
Special Events
St. Thomas Housing Authority
St. Thomas Seniors Centre
Taxi Services
Theatre/Arts
Tourism
Valleyview
Welfare Assistance

Schedule "C"

CORPORATE GOVERNANCE AND ADMINISTRATION

Corporate

Advertising – display and promotional, excluding legal notices, tender calls, employment ads, etc.
Agreements/Contracts
Appoints, by Council to various local Boards, Committees, etc.
Closed Session Investigation
Code of Conduct
Conflict of Interest
Corporate Communications
Council Procedures
Courts of Revision
Development and Training
Elections
Governance
Legal Services
Municipal Accessibility
Municipal Freedom of Information and Protection of Privacy
Proclamations, tag days, flag raisings
Records Retention
Vital Statistics

Finance

Accounting
Assessment
Audit
Banking Services
Benefits, Administration, Contracts, Agreements
Bonds
Borrowing
Budgeting – Capital and Current
Campaign contributions, expenses
Capital Assets, Tangible
Cash Management
Debentures
Fees and Service Charges
Financing
Grants and Subsidies
Information Technology
Insurance
Investments
Purchasing
Reserves, Revenue, Taxation, Tax Collection
Telephone Services

Human Resources

Council Remuneration
Employee Recognition
Employment Practices and Standards
Grievances
Negotiations and Collective Bargaining
Occupational Health and Safety
Organization, Council and Administrative
Payroll Systems
Pensions
Personnel Administration, Polices and Services
Records, Personnel and Labour Relations
Recruitment
Retirement/Estate Counseling

Any matter not specifically assigned by the Council to any other Committee

Schedule "D"

INFRASTRUCTURE AND CIVIC OPERATIONS

Aerial Surveys
Alleys and Lanes
Animal Control/Welfare
Boundary Road – liaison with Elgin County, Mun of Central Elgin and Southwold Township
Building Codes, Demolition, Erection, Inspection, Permits, Safety, By-law Enforcement, etc.
Bridges and Grade Separations
Conservation and Reforestation
Crossing Guards
Draining Systems
Drinking Water/Water Supply System
Energy Conservation
Engineering Services, Design, Standards
Environmental Assessment
Environmental Protection
Erosion Control
Excavations
Fences
Filling of Lands
Flood Control
Fuel Storage
Grading of Lands
Hedges
Highways, Construction, Maintenance and Operation
Highway Transport Services
Licensing, Inspection and Enforcement
Load Limits
Municipal Buildings
Municipal Infrastructure – Roads, Bridge, Sidewalks, Railroads, Street Lighting
Noise
Nuisances
Parking Control
Parking Facilities – Public
Parks and Recreation – Facilities
Plumbing, Codes, Permits, Inspection
Pollution Abatement and Control
Pollution Control Plans
Property Maintenance – Public – City Property
Property Maintenance Standards
Railroads
Regulatory Inspection and Enforcement
Sanitary Sewer Systems
Sewage Treatment
Sidewalks, Construction, Maintenance
Signs – Public
Storm Water Management/System
Solid Waste Management
Street Lighting System
Suburban Roads
Temporary Road Closing
Traffic Control Systems
Traffic Regulation
Transit Services
Transportation Planning
Trees
Trespassing – Public Property – City
Utilities
Water Supply System
Weed Control
Winter Maintenance
Works Department

Schedule "E"

STRATEGIC DIRECTION AND DEVELOPMENT

Age Friendly Communities

Annexation/Boundary Adjustment

Bicycle Friendly/Share the Road

Commercial Development

Community Improvement Programs

Community Planning

Condominiums

Economic Development – includes liaison with Chamber of Commerce, Downtown Development Board, Economic Development Corporation, Committee of Adjustment and Site Plan Control Committee

Healthy Communities

Housing

Industrial Development

Land Transactions

Land Use Regulations

Municipal Heritage

Population, Housing and Employment Projections

Public Property – loans, purchases

Official Plan

Restricted Area By-laws

Severances – liaison with Committee of Adjustment

Site Plan Control – liaison with Site Plan Control Committee

Strategic Plan

Street Names/Numbering

St. Thomas Municipal Airport

Subdivisions

Urban Planning and Development

Variances, Zoning – liaison with Committee of Adjustment

Zoning

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