

**BOARD OF HEALTH FOR THE CITY OF HAMILTON
PUBLIC HEALTH SERVICES**

BY-LAW NO. 2025-1

PROCEDURAL BY-LAW

A BY-LAW TO GOVERN THE PROCEEDINGS OF THE BOARD OF HEALTH AND
COMMITTEES OF THE BOARD OF HEALTH

DRAFT

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Incorporating amendments made by:

By-law Number

Effective Date

DRAFT

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AND COMMITTEES OF THE BOARD OF HEALTH****INDEX**

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BY-LAW NO. 2025-1

WHEREAS subsection 56(1) of the Health Protection and Promotion Act provides that the Board of Health must pass by-laws respecting the calling of and proceedings at meetings;

NOW THEREFORE, BE IT RESOLVED, the Board of Health for the City of Hamilton enacts as follows:

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SECTION 1– DEFINITIONS

1.1 In this By-law,

“Advisory Committee” means a group of appointed citizens and Board members established and appointed by the Board for the purpose of providing advice on matters that are related to the specific mandate of the committee.

“Amend” means to alter or vary the terms of a Main Motion without materially changing its purpose, and amendment has a corresponding meaning.

“Board” means the Board of Health for the City of Hamilton, also known as the Hamilton Board of Health.

“By-law” means this By-law No. 2025-1 governing the proceedings of the Board of Health and Committees of the Board of Health.

“Carried” for the purposes of voting, means more than half the total of Members of the Board or Committee present and not prohibited by statute from voting, voted in favour.

“Chair” means the designated Member of the Board presiding at any Meeting of the Board or Committee.

“Challenge” means to appeal a ruling of the Chair.

“City” means the geographical area of the City of Hamilton or the municipal corporation as the context requires.

“Clerk” means the person appointed as City Clerk within the meaning of the *Municipal Act*, or their designate.

“Closed Meeting” means a meeting, or part of a meeting, which is closed to the public as permitted by Section 239 of the *Municipal Act*, also referred to as an “in-camera meeting”.

“Committee” means a Standing Committee, an Advisory Committee or Task Force established by the Board from time to time.

“Council” means the Council of the City of Hamilton.

“Defeated” for the purpose of voting, means more than half the total number of members of the Board or Committee present and not prohibited by statute from voting, voted in opposition.

“Defer” means to delay consideration of a matter by the Board or a Committee until a specified time or event.

“Emergency” means a situation or impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or not.

“Friendly Amendment” means an amendment made to the Motion under debate with the consent of the mover and seconder, and without the requirement for an amending Motion to be made.

“HPPA” means the *Health Protection and Promotion Act* (Ontario).

“Hybrid” means a proceeding where some Members participate virtually and some Members participate In-Person at Board and Committee Meetings.

“In-Person” means a proceeding where Members participate In-Person at Board and Committee Meetings.

“Lost” for the purposes of voting, means more than half the total of members of the Board or Committee present and not prohibited by statute from voting, voted in opposition.

“Main Motion” means a proposal by a Member that begins the process of making any decision for consideration of the Board or a Committee, that is moved by a Member and seconded by another Member.

“Majority” for the purposes of voting means more than half the total of Members of Board or Committee present and not prohibited by statute from voting.

“Member” means a person elected or appointed as a Member of the Board.

“Meeting” means any regular or special meeting of the Board or of a Committee, that is IN-PERSON / VIRTUAL / HYBRID where a Quorum of Members is present.

“Member of Council” is a Member of the Board who has been elected to City Council.

“Motion” means a proposal by a Member for the consideration of the Board or a Committee included in the published agenda, that is moved by a Member and seconded by another Member. A Motion may be procedural or substantive in nature.

“Municipal Act” means the *Municipal Act, 2001* (Ontario).

“Notice of Motion” means a written notice received by the Secretary advising the Board that the Motion described therein, respecting a matter not already on an agenda, will be brought forward by a Member of the Board at a future Meeting of the Board.

“Order of Business” is as set out in subsection 4.9 of this By-law.

“Procedural Motion” means any motion concerning the manner or time of consideration of any matter before the Board or the Committee, as opposed to the substance thereof, and includes, without limitation, the following: a motion to adjourn; to call the Question; to Recess; to Refer; to Defer; to go into a Closed Meeting; to suspend the Rules of Procedure and to lift.

“Question” means an issue before a Meeting on which a decision has to be made. A question cannot be debated, amended or voted on until it has been proposed as a motion.

“Quorum” means the number of Members equal to a Majority of the Board or Committee’s membership, and include members attending the meeting in-person and those attending virtually.

“Receive” means to acknowledge the receipt of information and to include it in the official record.

“Recess” means a short intermission in a Meeting’s proceedings, which does not close the Meeting, and after which business will immediately be resumed at exactly the point where it was stopped.

“Recorded Vote” means a written record of the name and vote of each Member of the Board or a Committee who votes on a Question and of each Member present who does not vote.

“Refer” means to send a matter currently under consideration to an individual, a department, a Committee, or the Board for their consideration.

“Rules of Procedure” means the rules and procedures set out in this By-law for the calling, place and proceedings of the Meetings of the Board and its Committees.

“Secretary” means the Clerk or their designate.

“Standing Committee” means a committee established by the Board to carry out duties on an ongoing basis, as specified by the Board, and that reports directly to the Board.

“Task Force” means a temporary ad hoc group of appointed citizens and Board members established and appointed by the Board for the purpose of providing advice on matters related to a specific time-limited project or task related within the jurisdiction of the Board.

“Time Sensitive” means useful for a specific amount of time only or has to be used or completed by a specific time.

“Vice Chair” means the designated Member of the Board appointed to this position.

“Virtual” means a proceeding where Members participate online or on a computer screen, rather than In-Person during Board and Committee Meetings.

“Website” means the City website at www.hamilton.ca.

SECTION 2 – PRINCIPLES

- 2.1 The Board observes the rules in this By-law in all proceedings of the Board and, where applicable, its Committees.
- 2.2 In the case of a conflict with this By-law and another by-law of the Board, this By-law will take precedence.

SECTION 3 – APPLICATION

- 3.1 The Rules of Procedure shall be observed in all proceedings of the Board and shall be the rules for the order and dispatch of business in the Board and, unless specifically provided, with necessary modifications, apply to all Committees.
- 3.2 All matters relating to the proceedings of Board and Committees for which rules have not been provided for in this By-law and its Appendices shall be decided, as far as is reasonably practicable, with reference to the parliamentary rules as contained in the most recent edition of *Bourinot’s Rules of Order*, Geoffrey H. Stanford, Fourth Edition.

SECTION 4 – BOARD MEETINGS

4.1 Regular Board Meeting Times

- (1) The Board determines the place, day and hour of its regular Board Meetings, and the schedule of those Meetings is publicly available by the first Meeting of the Board in each calendar year.

4.2 Location of Meetings

- (1) Meetings of the Board shall be held in the Council Chambers at City Hall in the City of Hamilton or at such other place within the City of Hamilton as the Board may from time to time determine.
- (2) VIRTUAL only participation Meetings will be held using electronic methods and not in a specific physical location.

4.3 Special Meetings of the Board

- (1) The Board only considers the business on the agenda and no other business at a special meeting.
- (2) The Chair may call a special meeting of the Board provided that:
 - (a) Members are notified at least 72 hours before the scheduled beginning of a special meeting.
 - (b) The notice for the special meeting must include the time, date, and location of the Meeting.
 - (c) The notice states the purpose of the Meeting.
 - (d) The notice is delivered either in person or sent by email to each Member.
- (3) The Secretary calls a special meeting of the Board, whenever requested, in writing, to do so by a Majority of the Members. The request includes:
 - (a) Original signatures of Members;
 - (b) A clear statement of the Meeting's purpose; and
 - (c) The time and date for the Meeting, which must be held within 72 hours of the time the request is given to the Secretary.
- (4) The Secretary gives at least 48 hours' notice of the special meeting by petition of the Members, and the notice for this Meeting must be delivered in person or sent by e-mail to each Member.

4.4 Meetings of the Board for Emergencies

- (1) Despite any other provisions of this By-law, a Meeting of the Board for an Emergency may be called by the Chair, without written notice, to deal with an Emergency, provided that an attempt has been made by the Secretary to notify Members of the Board about the Meeting as soon as possible and in the most expedient manner available.

- (2) The only business to be dealt with at a Meeting of the Board for an Emergency shall be business dealing directly with the Emergency.
- (3) The lack of receipt of a notice of, or an agenda for, a Meeting of the Board for an Emergency by any Member of the Board shall not affect the validity of the Meeting or any action taken at such Meeting.
- (4) The Secretary shall prepare the Order of Business for an Emergency Meeting of the Board with the appropriate selection of agenda categories from subsection 4.9.
- (5) In the case of an Emergency, the Board may hold its Meetings at any convenient location within or outside the municipality, with the details posted on the City's Website.

4.5 Cancellation of a Board Meeting

- (1) The Secretary may cancel a Board Meeting in consultation with the Chair and Vice-Chair.
- (2) The Secretary shall give each Member of the Board, or their designated staff, notice of a cancellation of a Meeting of the Board at least 2 (two) days prior to the time appointed for such Meeting in writing.
- (3) The written notice to be given under subsection 4.5(1) shall state the reason for the cancellation of the Meeting.
- (4) The Secretary shall ensure that the Meeting cancellation information is posted to the Board's Meeting Calendar on the City's Website.

4.6 Quorum

- (1) As soon as there is a Quorum after the time set for the Meeting, the Chair shall take the chair and call the Meeting to order.
- (2) A majority of the Members of the Board is necessary to constitute a Quorum of the Board.
- (3) In the absence of both the Chair and the Vice Chair for a period of fifteen minutes after the appointed time of the Meeting, if a Quorum is present, the Secretary shall call the meeting to order and ask for a motion to appoint one of the present Members as Acting Board Chair to preside and discharge the duties of the Chair for the duration of the Meeting, or until the arrival of the Board Chair or Vice Chair.
- (4) If a Quorum is not achieved within 15 (fifteen) minutes after the time appointed for a Meeting of the Board, the Secretary shall record the names of the Members of the Board present and the Meeting shall stand adjourned until the date of the next scheduled Board Meeting or other Meeting called in accordance with the provisions of this By-law.
- (5) If Quorum cannot be maintained during an IN-PERSON Board Meeting, the Secretary will advise the Chair or Vice Chair that Quorum is lost and the Meeting will be recessed for up to 15 (fifteen) minutes to allow Members to return, or in the case of a virtual participant, to allow the Member to reconnect to the Meeting. Following the Recess, if Quorum is not regained after 15 minutes the Meeting

stands adjourned. Any unfinished business will be brought to the next regularly scheduled Meeting.

4.7 In Conflict, Remaining Members Deemed Quorum

- (1) Where the number of Members of the Board who, by reason of provisions of the Municipal *Conflict of Interest Act*, are disabled from participating in a Meeting is such that at that Meeting the remaining Members of the Board are not of sufficient number to constitute a Quorum, then, the remaining number of Members of the Board shall be deemed to constitute a Quorum, provided such number is not less than 2 (two).

4.8 Delegations to Address the Board

- (1) Any person, group of persons, or organization who wishes to appear as a delegation to address the Board may appear In-Person or virtually, or be submitted as written correspondence.
- (2) Any person, group of persons, or organization wishing to address the Board with respect to a matter already on the Board agenda, shall submit a written request to the Secretary, using the 'Request to Speak to the Board' form (available on the City's Website) no later than 12:00 p.m. (Noon) the day prior to Meeting. If the Committee is meeting on a Monday, the deadline will be 12:00 p.m. (Noon) on the Friday preceding the Meeting.
- (3) Any person, group of persons, or organization wishing to address the Board with respect to a matter not already on the Board agenda, shall submit a written request to the Secretary, using the 'Request to Speak to the Board' form (available on the City's Website) at least 14 (fourteen) days before the date and time of the regular Board Meeting.
- (4) Delegations shall be limited to an oral presentation of not more than 5 (five) minutes of speaking time.
- (5) Notwithstanding subsection 4.8(4), an extension of speaking time may be granted with the approval of a Majority of the Members of the Board present.
- (6) Any delegate(s) wishing to submit presentation materials (slides, supporting documentation, speaking notes, delegation outlines) or who wish to appear before the Board through a pre-recorded video, shall submit the materials and/or pre-recorded video no later than 12:00 p.m. (Noon) 2 (two) business days before the Meeting. If the Board is meeting on Monday, the deadline will be 12:00 p.m. (Noon) on the Thursday preceding the Meeting.
- (7) Delegates are encouraged to provide a written brief of their presentation to the Secretary, at the time the request to speak is submitted, which will be provided to the Members of the Board and will be published online with the agenda materials.
- (8) A request to delegate shall include the name(s) of all delegates, reasons(s) for the delegation, and the contact information (name, address, email and/or phone number) for any person, group of persons, or corporation/organization which they represent. The delegate's name(s) will be published online with the agenda materials.

- (9) Delegates who have previously appeared before the Board or submitted correspondence on a subject matter and request to speak to the Board a subsequent time on the same subject matter shall be limited to providing only new information as part of their subsequent appearance.
- (10) Delegations respecting labour relation matters or conduct of a member(s) of City staff will not be placed on a Board agenda and will be forwarded forthwith by the Secretary to the relevant City department or body for consideration and appropriate action.
- (11) Delegations which are in substance an allegation of a violation of the Code of Conduct or the *Municipal Conflict of Interest Act* by a Member of the Board will not be placed on a Board agenda and the delegate will be advised of the informal and formal mechanisms for bringing such allegations to the attention of the Integrity Commissioner.
- (12) Requests to delegate that are outside the jurisdiction of the Board will not be placed on the Board Agenda.
- (13) Delegates shall not:
 - (a) speak disrespectfully of any person and maintain order and decorum in accordance with this By-law;
 - (b) speak on any subject other than the subject for which he/she/they has received approval from the Secretary to address with the Board;
 - (c) violate the Rules of Procedure or a decision of the presiding officer.
- (14) Members of the Board can ask questions of in-person delegations for clarification purposes only and not for debate.
- (15) Written delegations will be received for information in a block motion.
- (16) When a person is listed as a delegation on the Board agenda and such person, without notification to the Secretary, does not attend said Meeting, that person must make a new request to be considered as a delegation and must re-apply in accordance with subsections 4.8(1) and 4.8(2).

4.9 Order of Business

- (1) The Order of Business for regular scheduled Meetings of the Board, unless amended by the Board in the course of the Meeting, shall be as follows:
 - (a) Call to Order
 - (b) Approval of Agenda
 - (c) Declarations of Interest
 - (d) Ceremonial Activities (if required)
 - (e) Adoption of Minutes of Previous Meeting

- (f) Delegation(s)
 - (g) Items for Information (if required)
 - (h) Items for Consideration (if required)
 - (i) Committee Recommendations (if required)
 - (j) Motions
 - (k) Notices of Motion
 - (l) Private and Confidential
 - (m) By-laws
 - (n) Adjournment
- (2) All Ceremonial Activities at Board Meetings will take place virtually during an Emergency.

4.10 Declarations of Interest

- (1) In this Section:
- (a) An “Interest” means a ‘disqualifying interest’ or a ‘non-disqualifying interest’ as such terms are defined within the Board approved Code of Conduct to which the Member is bound.
- (2) Where a Member has disclosed an Interest at a Meeting in accordance with a Board approved Code of Conduct to which the Member is bound, the Member, shall file a written statement with the Secretary.
- (3) Where a Member, has disclosed an Interest and filed a written statement with the Secretary, as required by subsection 4.10(2), the Secretary shall:
- (a) file the written statement by the Member in the Declarations of Interest Registry;
 - (b) record the Interest in the minutes of the Meeting;
 - (c) file a record of the Interest recorded in the minutes of the Meeting in the Declarations of Interest Registry; and
 - (d) make the Declarations of Interest Registry available for public inspection.

4.11 Minutes

- (1) Minutes shall be taken at all regular and special meetings of the Board by the Secretary or such other individual as may be designated by the Secretary. Meeting minutes shall be adopted by Motion at the next regular Board Meeting and thereafter shall be retained in the corporate records of the Board.
- (2) Amendments to the minutes shall be limited to corrections of factual errors or incomplete information only.

- (3) Minutes shall be posted to the City's Website.

4.12 Editorial and Other Changes

- (1) The Secretary may make changes to by-laws or Board decisions to:
 - (a) Correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature.
 - (b) Alter the style or presentation of text or graphics to improve electronic or print presentation.
 - (c) Replace a description of a date or time with the actual date or time.
 - (d) If a provision provides that it is contingent on the occurrence of a future event and the event occurs, remove text referring to the contingency and make any other changes that are required as a result.
 - (e) When the name, title, location or address of a body, office, person, place or thing has been altered, change any reference to the name, title, location or address to reflect any alteration in name, title, location or address.
 - (f) Correct errors in the numbering of provisions or other portions of a by-law and make any changes in cross-references that are required as a result.
 - (g) If a provision of a transitional nature is contained in a by-law, make any changes that are required as a result.
 - (h) Make a correction, if it is patent both that an error has been made and what the correction should be.
- (2) The Secretary:
 - (a) May provide notice of the changes made under subsections 4.12(1)(a) to 4.12(1)(c) inclusive in the manner that they consider appropriate.
 - (b) Shall provide notice of the changes made under subsections 4.12(1)(d) to 4.12(1)(h) inclusive in the manner that they consider appropriate.
 - (c) In determining whether to provide notice under subsection 4.12(2)(a), shall consider:
 - (i) The nature of the change; and
 - (ii) The extent to which notice, and the information provided in it, would provide assistance in understanding the relevant legislative history.
 - (d) In providing notice under subsection 4.12(2)(a) or 4.12(2)(b), shall state the change or the nature of the change.
- (3) No legal significance shall be inferred from the timing of the exercise of a power under this section.

- (4) Regardless of when a change is made to a by-law under this section, the change may be read into the by-law as of the date it was enacted if it is appropriate to do so.

SECTION 5 – COMMITTEES

5.1 Establishment of Committees

- (1) The Board may establish Committees and assign duties to the Committees as it may desire, and the reports of all the Committees, unless otherwise decided by the Board, are forwarded to the Board for consideration.
- (2) The Board considers a Committee's recommendation as the Main Motion on the item under discussion.
- (3) The Board at its first Meeting in each year or as soon as practicable establishes the Standing Committees and designates the Chairs of the Standing Committees.
- (4) The Board may, from time to time, as needed, establish Advisory Committees or Task Forces in response to specific matters, which shall be dissolved by the Board once the assigned mandate is completed.

5.2 Quorum

- (1) The Quorum for all Committees shall be a Majority of the membership.
- (2) A Member of a Committee participating In-Person or virtually shall be counted in determining whether or not a Quorum of Members is present at any point in time.
- (3) As soon as there is a Quorum after the time set for the Meeting, the Chair shall take the chair and call the Meeting to order.
- (4) The Quorum procedures for the Board outlined in subsection 4.6 of this By-law shall apply to all Committees.

5.3 Location of Meetings

- (1) Committee Meetings shall be held in the Council Chambers at City Hall in the City of Hamilton or at such other place within the City of Hamilton as the Board may, from time to time, determine.

5.4 Cancellation of a Committee Meeting

- (1) The Secretary may cancel a Committee Meeting in consultation with the Committee Chair or the Committee Vice Chair in the Committee Chair's absence.
- (2) The procedure for the Secretary's notification of a Committee Meeting cancellation, as outlined in subsection 5.4 of this By-law, shall be applicable to all Committees.

5.5 Committee Recommendations to the Board

- (1) Each Committee reports directly to the Board and shall make recommendations to the Board through the consideration of their Minutes.

- (2) A minimum of 2 (two) days shall pass before the Minutes of a Committee is presented to the Board to provide adequate opportunity for review. Every effort will be made for Committee minutes to be released at an earlier date.
- (3) Despite subsection 5.5(2), this rule may be suspended by the affirmative vote of two-thirds (2/3's) of the Members of the Board present and voting.
- (4) During the consideration of Minutes, a Member of the Board may:
 - (a) request that a matter contained within the Committee Minutes be voted on separately at the Board;
 - (b) amend a matter contained within the Committee Minutes;
 - (c) in the event, an amendment is considered to be contrary to the Main Motion within the Committee Minutes, the Board will use the following process:
 - (i) The Main Motion within the Committee Minutes shall be voted upon;
 - (ii) if the vote result is deemed to be carried, the matter is considered closed; and
 - (iii) if the vote result is deemed to be Lost, the amendment considered to be contrary to the Main Motion within the Committee Minutes, may be introduced if duly moved and seconded.

5.6 Declarations of Interest

- (1) The procedure for declarations of interest by the Board, as set out in subsection 4.10 of this By-law, shall apply to Committee Members.

5.7 Change to a Scheduled Committee Meeting

- (1) The Secretary may change the time or location of a Committee Meeting in consultation with the Committee Chair or the Committee Vice Chair in the Committee Chair's absence.
- (2) The Secretary shall give each Member of the Committee, or their designated staff, notice of the change to the Committee Meeting at least 2 (two) days prior to the time appointed for such Meeting by:
 - (a) delivering a written notice personally;
 - (b) delivering such notice at their residence or place of business; or
 - (c) facsimile transmission or electronic mail to such residence or place of business.
- (3) The written notice to be given under subsection 5.7(2) shall state the reason for the change to the Meeting.
- (4) The Secretary shall ensure that the change to the Committee Meeting is posted to the Committee and Board Meeting Calendar on the City's Website.

SECTION 6 – RULES OF DEBATE, VOTING PROCEDURES AND MOTION PROCEDURES

6.1 Rules of Debate

- (1) No Member of the Board shall be deemed to have precedence or seniority over any other Member of the Board.
- (2) Before speaking to a Question or Motion, a Member of the Board shall be recognized by the meeting Chair and may be placed on the speakers' list.
- (3) When a Member of the Board is speaking, no other Member of the Board shall pass between that Member of the Board and the Chair or the Vice Chair or interrupt that Member of the Board except to raise a Point of Order or Point of Privilege.
- (4) A Member of the Board may require the Question or Motion under discussion to be read at any time during the debate but not so as to interrupt a Member of the Board who is speaking.
- (5) A Member of the Board may not speak on any matter other than the matter being debated.
- (6) All Members of the Board are restricted to a 5 (five) minute time limit when asking a question and/or making a statement during Board and Committee Meetings.
- (7) The following matters may be introduced orally without written notice and without leave:
 - (a) a Point of Order
 - (b) a Point of Privilege
 - (c) a Motion to adjourn
 - (d) a Motion to call the Question
 - (e) a Motion to Recess
 - (f) a Motion to Refer
 - (g) a Motion to Defer
 - (h) a Motion to go into a Closed Meeting
 - (i) a Motion to suspend the Rules of Procedure
- (8) Relinquishing the Chair

The Chair or the Vice Chair (where the Chair is absent) may designate another Member as acting Chair during any part of a Meeting, and while presiding, such Member shall have all the powers of the Chair or the Vice Chair with respect to chairing the Meeting.

6.2 Voting Procedures

- (1) Once a Motion is moved and seconded, it shall be deemed to be in the possession of the Board or Committee.
- (2) All votes are majority votes, unless identified as requiring two-thirds (2/3's) of Members of the Board (a two-thirds (2/3's) Majority).
- (3) Where a Member of the Board present at a Meeting of the Board or Committee is prohibited from voting by statute, the Secretary shall record the name of the Member of the Board and the reason that they are prohibited from voting.
- (4) Unless otherwise provided in this By-law, or requested by the Chair, a vote may be made by voice, show of hands, standing or otherwise.
- (5) Despite subsection 6.2(3), any Member of the Board or Committee may request the Chair conduct a recorded vote.
- (6) When a recorded vote is taken, the results and how each member voted will be recorded in the proceedings.
- (7) When an electronic voting system is not available, every Member of the Board or Committee present shall vote by a show of hands.
- (8) When a recorded vote is taken and a Member advises the meeting Chair of a Point of Privilege with respect to their vote being omitted or in error immediately following and prior to the taking of another vote, the vote will be considered void and a new vote will be taken immediately.
- (9) When an recorded vote is taken and a Member advises the Chair or the Vice Chair of a Point of Privilege with respect to their vote being omitted or in error following the taking of another vote, the Member's request will be considered through a vote to reconsider the matter:
 - (i) If a two-thirds (2/3's) Majority vote to reconsider is decided in the affirmative, the recorded vote will be retaken immediately;
 - (ii) If a two-thirds (2/3's) Majority vote to reconsider is decided in the negative, the original vote stands.
- (10) When a vote is taken and a tie results, a Question is deemed to be Lost.
- (11) To cast a vote, each Member must be in their seat (when attending in-person) or have their video on (when attending virtually).
- (12) Any Member present (in-person or virtually) who does not express their vote is deemed to have voted in the negative.
- (13) After a Question is put by the Chair or the Vice Chair, no Member of the Board or Committee shall speak to the Question nor shall any other Motion be made until after the vote is taken and the result has been declared.
- (14) No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect, except where permitted by statute.
- (15) Despite subsection 6.2(13), a Meeting may be closed to the public during a vote if:

- (a) the vote relates to an issue permitting the Meeting to be closed to the public in accordance with Section 8 (Meetings Closed to the Public) of this By-law; and
 - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City or persons retained by or under a contract with the City.
- (16) The Chair or the Vice Chair shall, upon request of a Member of the Board or Committee, divide a Question if the Question under consideration contains distinct propositions, and the vote upon each proposal shall be taken separately.
- (17) If a Member of the Board or Committee disagrees with the announcement of the Chair or the Vice Chair that a Question is carried or Lost on a vote by show of hands, they may immediately after the declaration by the Chair or the Vice Chair, object to the Chair's or the Vice Chair's declaration and require that a Recorded Vote be taken.

6.3 Motion Procedures

- (1) Notice of Motion
 - (a) Notice of all new Motions, except Motions listed in subsection 6.1(7) shall be given in writing:
 - (i) at a Meeting of the Board or Committee, but shall not be debated until the next Meeting of the Board or Committee; or
 - (ii) delivered to the Secretary at any time before 12:00 p.m. (Noon) on the last business day preceding the date of the Meeting at which the Notice of Motion is to be introduced.
 - (b) Where a Member of the Board's or Committee's Motion has been called by the Chair or the Vice Chair at the subsequent Meeting and not proceeded with, it shall be dropped from the agenda unless the Board or Committee decides otherwise.
 - (c) Where the Board or Committee has determined not to drop a Motion from the agenda, and at the second Meeting such Motion is called by the Chair or the Vice Chair and not proceeded with, it shall be deemed to have been withdrawn.
- (2) Dispensing with Notice

Where a matter is time sensitive or is an emergency, the Motion may be introduced without notice if the Board or Committee, without debate, dispenses with notice on the affirmative vote of two-thirds (2/3's) of the Members of the Board or Committee present and voting.
- (3) Motion to Withdraw

After a Motion is moved and seconded, it shall be deemed to be in possession of the Board or Committee and may be withdrawn by the mover at any time before decision or amendment.

(4) Motion to Amend

(a) A Motion to Amend:

- (i) shall be duly moved and seconded;
- (ii) shall be made only to a previous Question or to Amend an amendment to the Question;
- (iii) shall be relevant to the question to be decided; shall not be received if, in essence, it constitutes a rejection of the main Question;
- (iv) shall be put to a vote in the reverse order to that which it is moved.
- (v) may be considered a “Friendly Amendment”, if the mover and seconder of the Main Motion/Question are in agreement, in which case the Amendment does not require a vote;
- (vi) Will not be amended more than once, provided that further amendments may be made to the Main Motion; and,
- (vii) Will not be directly contrary to the Main Motion.

(5) Motion to Defer

- (a) A Motion to Defer a Question shall include instructions respecting the terms upon which the Question is to be deferred.
- (b) A Motion to Defer a Question is not debatable except where instructions are included, in which case, only the instructions shall be debatable.
- (c) A Motion to Defer a Question may be amended in accordance with subsection 6.3(4).
- (d) When a Motion to Defer a Question to the Board is defeated by a Committee, the Chair of the Committee shall return to the speakers list and then call the Question on the matter.
- (e) A Member who has spoken to the Motion under debate shall not be permitted to move a Motion to Defer a Question.

(6) Motion to Refer

(a) A Motion to Refer the Question:

- (i) shall include the name of the individual or body to whom the Question is to be referred;
- (ii) shall include instructions respecting the terms upon which the Question is to be referred;

- (b) A Motion to Refer a Question is not debatable except where instructions are included, in which case, only the instructions shall be debatable.

- (c) A Motion to Refer a Question may be amended in accordance with subsection 6.3(4).
- (d) When a Motion to Refer a Question to the Board is defeated by a Committee, the Chair of the Committee shall return to the speakers list and then call the Question on the matter.
- (e) A Member who has spoken to the Motion under debate shall not be permitted to move a Motion to Refer a Question.

(7) Motion to Adjourn

A Motion to adjourn a Board or Committee Meeting shall always be in order except:

- (a) when a Member of the Board or Committee is speaking or during the taking of a vote;
- (b) immediately following the affirmative resolution of a Motion that a vote on the Question now be taken;
- (c) when a Member of the Board or Committee has already indicated to the Chair or the Vice Chair, that they desire to speak on the Question;
- (d) when decided in the negative, cannot be made again until the Board or Committee has conducted further proceedings;
- (e) When the balance of business on a Board or Committee agenda has been dealt with. In this case, the Chair or Vice Chair shall have the authority to adjourn the Meeting without the necessity of a Motion.

(8) Motion to Call the Question

A Motion to call the Question shall be in order except when a Member of the Board or Committee is speaking or before the first-time speakers' list is exhausted.

(9) Motion to Reconsider a Matter Decided by the Board

- (a) At any Board Meeting, after a matter has been decided by the Board, including both successful or failed Motions, a Member of the Board who voted with the prevailing side may present a Notice of Motion to reconsider the matter. The Chair may ask the Member of the Board to confirm that they voted with the prevailing side of the issue in Question. Such Notice of Motion shall be referred to the next scheduled Meeting of the Board and shall be included on the agenda under "Motions".
 - (i) In the event of a tie, the prevailing side is the defeated side;
 - (ii) Members of the Board absent from the vote are not permitted to bring forward a Notice of Motion to reconsider a matter.
- (b) No decided matter shall be reconsidered more than once during the term of the Board.

- (c) A Motion to reconsider a decided matter shall require the approval of at least two-thirds (2/3's) Majority of the Board present.
- (d) It is not in order to reconsider a decided matter when the Motion has been implemented, resulting in a legally binding commitment that is in place on the date that a Motion to reconsider is to be debated.
- (e) No Motion to reconsider may, itself, be the subject of a Motion to reconsider.
- (f) Debate on a Motion to reconsider shall be confined to reasons for or against the reconsideration.
- (g) The following Motions cannot be reconsidered:
 - (i) to adjourn;
 - (ii) to recess; and
 - (iii) to suspend the Rules of Procedure.
- (h) Subsections 6.3(9)(a) to (f) do not apply when:
 - (i) a Motion pertains to a decision of a previous Board;
 - (ii) a Motion that, while pertaining to a previously decided Motion, does not alter the core purpose or intent of the previously decided Motion;
 - (iii) a Motion presented in respect of a previously decided matter for the purpose of strengthening or clarifying the original decision; or
 - (iv) a Motion presented in respect of a previously decided matter for the purpose of moving a matter through a series of necessary steps or phases.

(10) Order of Procedural Motions

The following Motions are procedurally in order in the following sequence:

- (a) to adjourn;
- (b) to recess;
- (c) to request information;
- (d) to call the Question;
- (e) to defer;
- (f) to refer;
- (g) to amend.

(11) Non-Debatable Motions

The following Motions/actions are not debatable:

- (a) a Motion to adjourn;
 - (b) a Motion to Refer (except where instructions are included, in which case, only the instructions shall be debatable);
 - (c) a Motion to suspend the Rules of Procedure;
 - (d) a Point of Order; and
 - (e) a Point of Privilege.
- (12) Motion to Suspend the Rules of Procedure

The rules governing the procedure of the Board or Committee at the Board or Committee Meetings may be suspended and shall require the approval of at least two-thirds (2/3's) Majority of Members present with the exception of any rule which is required to be followed by law.

- (13) Motions Beyond Jurisdiction of the Board

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

SECTION 7 – ORDER AND DECORUM

- 7.1 No person in attendance at a Board or Committee Meeting shall:

- (a) be disrespectful or disrupt the Meeting in any manner;
- (b) bring food or beverages, water excepted, into the Council Chamber;
- (c) address remarks to anyone but the Chair;
- (d) interrupt a person who has the floor;
- (e) applaud participants in debate.

- 7.2 Should a person persist in conducting themselves in a manner contrary to the rules set forth in subsection 7.1 after having been called to order by the Chair of the Board or a Chair of a Committee, the Chair of the Board or a Chair of a Committee may expel that person and may request the assistance of security and/or Police in doing so.

- 7.3 Notwithstanding subsection 7.2, in the event a member of the public is conducting themselves in a manner which poses a threat to the personal safety of themselves or others in attendance at the Meeting, they shall be removed from the Meeting, without warning.

- 7.4 Should a Member of the Board persist in conducting themselves in a manner contrary to the rules set forth in subsection 7.1 after having been called to order by the Chair of the Board or the Chair of the Committee, the Chair of the Board or the Chair of a Committee may order them to vacate the place the Meeting is being held:

- (i) if the Member of the Board apologizes, they may, by two-thirds (2/3's) Majority vote of the Board or Committee Members (excluding the Member of the Board or Committee in question), be permitted to remain at the Meeting;
- (ii) any Member of the Board other than the Member ordered to vacate the place the Meeting is being held may appeal the Chair's ruling, and the Board or Committee may overturn the Chair's ruling by two-thirds (2/3's) Majority vote of the Board or Committee Members (excluding the Member of the Board or Committee in question). An appeal is not in order once a vote under subsection 7.4(i) has taken place;
- (iii) exclusions from voting provided for in subsections 7.4(i) and (ii) shall apply notwithstanding any other provisions in this By-law that require a Member of the Board or Committee to vote.

7.5 No person except Members of the Board or a Committee, the Secretary, and officials authorized by the Secretary, shall:

- (a) be allowed on the floor while a Meeting is being held, namely where Members of the Board or Committee, the Secretary, and officials authorized by the Secretary are seated and from which they speak;
- (b) before or during a Meeting of the Board or a Committee, place on the desks of Members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the Secretary.

7.6 Signs or placards are permitted at Board and Committee Meetings, provided:

- (a) they do not contain disrespectful or offensive language;
- (b) they do not disrupt the Meeting;
- (c) they do not disrupt an attendee's ability to view the proceedings; and
- (d) they do not contain solid handles or hard backings.

7.7 Electronic devices at Meetings:

- (a) Every person shall have all electronic devices, including but not limited to phones, computers, and similar electronic devices, etc., switched to a non-audible function during Board and Committee Meetings.
- (b) The use of personal electronic devices at Closed Meetings is strictly prohibited;
- (c) The use of City electronic devices at Closed Meetings be limited to text communications;
- (d) The use of all electronic devices at Closed Meetings are not to be used as a telephone, recording device or camera;

- (e) The Secretary and any staff from the Office of the City Clerk are exempted from 7.7(c) when using electronic devices for record-keeping purposes.

SECTION 8 – MEETINGS CLOSED TO THE PUBLIC

- 8.1 Except as provided in this Section 239 of the *Municipal Act*, all Board and Committee Meetings shall be open to the public.
- 8.2 For the purpose of subsections 8.3, 8.5, 8.6 and 8.7, “Committee” shall mean any committee of which at least 50% of the members are also Members of Council or the Board.
- 8.3 A Meeting of the Board or a Committee or part thereof may be closed to the public if the subject matter being considered is:
 - (a) the security of the property of the City or a local board;
 - (b) personal matters about an identifiable individual, including City or local board employees;
 - (c) a proposed or pending acquisition or disposition of land for City or a local board purposes;
 - (d) labour relations or employee negotiations;
 - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board;
 - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (g) a matter in respect of which Council or a Committee may hold a Closed Meeting under an Act other than the *Municipal Act, 2001*;
 - (h) information explicitly supplied in confidence to the City or a local board by Canada, a province or territory or a Crown agency of any of them;
 - (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City 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;
 - (j) a trade secret or scientific, technical, commercial or financial information that belongs to the City or a local board and has monetary value or potential monetary value; or
 - (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City or a local board.
- 8.4 A Meeting of the Board shall be closed to the public if the subject matter relates to the consideration of:

- (a) a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the Board is designated as head of the institution for the purposes of that Act; and
- (b) an ongoing investigation respecting the City or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*.

8.5 A Meeting of the Board or a Committee may be closed to the public if:

- (a) it is held for the purposes of educating or training Board 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 Board or the Committee.

8.6 Before holding a Meeting or part of a Meeting that is to be closed to the public, a Board or Committee shall:

- (a) state specifically by resolution the fact of the holding of the Closed Meeting and the general nature of the matter to be considered at the Closed Meeting;
- (b) state specifically that members of the public will be invited to return to hear any further deliberations when the Board or Committee reconvenes in open session, indicated by the removal of the frosting on the windows and the elimination of the white noise; and
- (c) the Board or Committee will, in the event they are in Closed Session for more than 30 (thirty) minutes, wait up to 5 (five) minutes upon reconvening in open session before proceeding with the Meeting, to provide members of the public and the media time to return to the Meeting room.

8.7 A vote may be taken during a Meeting that is closed to the public pursuant to subsections 8.3, 8.4 and 8.5, if the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Board or the City or either of them or persons retained by or under a contract with the Board or the City.

SECTION 9 – VIRTUAL PARTICIPATION AT BOARD AND/OR COMMITTEE MEETINGS

- 9.1 Virtual participation, in accordance with the *Municipal Act* and/or any other applicable legislation, is permitted by Members of the Board and Committees at Meetings.
- 9.2 Members of the Board and Committees who intend on participating at a Meeting virtually should advise the Secretary at least 2 (two) days prior to the Meeting.
- 9.3 The Chair or Vice Chair presiding at a Board or Committee Meeting shall attend In-Person at a HYBRID Meeting.
- 9.4 Members of the Board, Committees, and staff attending virtually, shall during Closed Meetings ensure they are in a private room/area and use headphones or some other type of hearing equipment that eliminates the opportunity for those not participating in the Closed Meeting to overhear the discussion.

SECTION 10 – LIVE RECORDINGS OF MEETINGS

- 10.1 All Board and Committee Meetings shall be streamed live.
- 10.2 Upon being apprised that a Meeting is interrupted and cannot proceed with its live feed due to loss of connection, sound or video, the Meeting will continue as long as Quorum is maintained, and the connection will be resumed as soon as possible.
- 10.3 Upon being apprised that a VIRTUAL Meeting is interrupted and cannot proceed with its live feed due to loss of connection, sound or video, the Meeting will be recessed for up to 15 (fifteen) minutes.
- 10.4 If the live feed of a VIRTUAL Meeting cannot be resumed within 15 (fifteen) minutes, the Meeting will be considered adjourned with the names of the Board/Committee Members present and any decisions of Board/Committee up to the point in time of the interruption shall be recorded in the minutes of the Meeting. The Board/Committee Meeting will be rescheduled to another day or the next regularly scheduled Meeting date.

SECTION 11 – ROLE OF SECRETARY

- 11.1 The Clerk is the Secretary of all Board Meetings and may assign any duties as Secretary to an employee in the City Clerk's office.
- 11.2 The Secretary shall make the agendas of the Board and Committee Meetings available to Members of the Board electronically at least 5 (five) days prior to the scheduled Meetings.
- 11.3 The Secretary shall make the agendas of the Board and Committee Meetings available to the media and general public electronically, simultaneously with the distribution set out in subsection 11.2 on the City's Website.
- 11.4 The Secretary shall advise the Chair or Vice Chair when items are required to be added to or removed from an agenda.
- 11.5 The Secretary shall submit for confirmation the minutes of the previous Board or Committee Meeting. Upon approval of the Majority of the Members of the Board or Committee, the Chair or Vice Chair and Secretary shall sign the minutes as confirmed or as amended.
- 11.6 The Secretary shall advise the Chair or Vice Chair if, in their opinion, a matter or portion of a matter being discussed in a Meeting that is closed to the public is not procedurally appropriate in accordance with Section 239 of the *Municipal Act* and Section 8 of this By-law.
- 11.7 The Chair or Vice Chair may call upon the Secretary to provide advice regarding procedure. The Secretary shall provide this advice, following which the Chair or Vice Chair will announce their ruling.
- 11.8 The Secretary shall assume the role of the Chair or Vice Chair as the chair of the Board or a Committee when a ruling of the Chair or Vice Chair is challenged by a Member of the Board or Committee. The Secretary shall take a vote of the challenge for Members of the Board or Committee in favour or opposed to the ruling on the Question "Should the ruling of the Chair be upheld?". The ruling is upheld when there is a two-thirds (2/3's) Majority vote in favour of the Question.

SECTION 12 – GENERAL

- 12.1 This By-law comes into force on the date on which it is passed.
- 12.2 The short title of this By-law is the Procedural By-law or the Board Procedural By-law.
- 12.3 In the event of a conflict between the provisions of this By-law and any legislation, the provisions of the legislation shall prevail to the extent of the conflict.
- 12.4 In the event of a conflict between the provisions of this By-law and the Terms of Reference for any Standing Committee, Advisory Committee or Task Force, the provisions of this By-law shall prevail, to the extent of the conflict.

SECTION 13 – BY-LAWS

- 13.1 The Board will only consider amendments or repeal of this By-law or any other by-law of the Board and any proposed new by-law of the Board if such was provided at a previous regular Board Meeting.
- 13.2 A copy of a proposed by-law or amendment shall be forwarded to each Member, together with the notice of Meeting at which the proposed amendment or by-law is to be discussed.
- 13.3 This By-law shall not be amended or repealed except by a majority vote of all Members of the Board.

PASSED this [X] day of [X], [X].