

THE CORPORATION OF THE CITY OF WELLAND

INDEX TO PROCEDURAL BY-LAW 2009 - 144

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THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2009 - 144

**BEING A BY-LAW TO GOVERN THE PROCEEDING
AND CONDUCT OF COUNCIL AND THE COMMITTEES
THEREOF AND TO REPEAL BY-LAW 2007-178**

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

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

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

ARTICLE 1 - INTERPRETATIONS

- 1.1 In this By-law,
- (a) "Chair" means the Mayor or person presiding over the meeting;
 - (b) "City" means The Corporation of the City of Welland;
 - (c) "City Manager" means the Chief Administrative Officer of the City;
 - (d) "Clerk" means the Clerk of The Corporation of the City of Welland;
 - (e) "Committee" means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards;
 - (f) "Committee-of-the-Whole" means all Members of Council present at a meeting sitting in Committee;
 - (g) "Committee-of-the-Whole-in-Camera" means the same as Committee of the Whole except that all or some members of staff, media and/or public are excluded;
 - (h) "Confirmatory by-law" means a by-law that is passed to authorize the proceedings and actions of Council at its meetings and to authorize the execution of agreements and documents related to said meetings;
 - (i) "Council" means the Council of The Corporation of the City of Welland;
 - (j) "Councillor(s)" means a Member(s) of Council;
 - (k) "General Committee" means certain Members of Council acting as a standing committee to Council, operating through Corporate Services and Integrated Services;
 - (l) "Head of Council" means the Mayor;
 - (m) "In-camera meeting" means meetings of Council closed to the public under authority of the **Municipal Act, 2001**;
 - (n) "Investigative Officer" means a person or agency appointed by Council to investigate complaints where an abuse of a closed meeting procedure is perceived;
 - (o) "Mayor" means the Head of Council;

- (p) "Member" means a Member of the Council of The Corporation of the City of Welland;
- (q) "Point of Order" may be called to bring attention to:
 - (i) any breach of the Rules of Order of Council; or
 - (ii) any defect in the constitution of any meeting of the Council; or
 - (iii) the use of improper offensive or abusive language;
 - (iv) notice of the fact that the matter under discussion is not within the scope of the proposed motion; or
 - (v) any other informality or irregularity in the proceeding of Council.
- (r) "Presiding Officer" means a person appointed by the Members present at a Council meeting in the event the Mayor and Vice-Mayor are not in attendance within fifteen (15) minutes after the hour appointed for the Council meeting;
- (s) "Point of Personal Privilege" relates to all matters affecting the rights and immunities of the Council collectively, or the position, rights and conduct of members in their representative character;
- (t) "Recorded Vote" means the recording by the Clerk of the name and vote of every Member present on any matter or question;
- (u) "Vice-Mayor" means a Member of Council appointed by by-law, in each year, with the consent of the Head of Council to act in place of the Head of Council on any body, other than on the council of another municipality, of which the Head of Council is a member by virtue of being Head of Council, in accordance with **section 226** of the **Municipal Act, 2001**.

ARTICLE 2 - ROLES

Council

2.1 Council shall comply with the statutory roles as prescribed in **section 224** of the **Municipal Act, 2001**.

Head of Council

2.2 The Head of Council shall comply with the statutory roles as prescribed in **sections 225** and **241** of the **Municipal Act, 2001**.

Order and Decorum by Head of Council

2.3 The Head of Council shall preserve order and decorum at Council Meetings and decide matters of order subject to an appeal to the Council.

Head of Council as Chief Executive Officer

2.4 In addition to the duties prescribed in section 2.2 hereof, the Head of Council, when acting as chief executive officer of the municipality, shall comply with **section 226.1** of the **Municipal Act, 2001**.

Designation of a Presiding Officer

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

Duties of Clerk

2.6 The Clerk shall comply with the provisions of **section 228(1)** of the **Municipal Act, 2001**.

Appointing Person to Record Council Proceedings

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

City Administration

2.8 Officers and employees of the City shall comply with **section 227** of the **Municipal Act, 2001**.

City Manager

2.9 In accordance with **section 229** of the **Municipal Act, 2001**, the City may appoint a City Manager who shall comply with said section.

ARTICLE 3 - CONFLICT OF INTEREST**Municipal Conflict of Interest Act**

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

Member Appointment

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

ARTICLE 4 - COMMITTEES, BOARDS AND COMMISSIONS

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

Establishing Committees

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

Committee Meetings Open to Public

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

List of Established Committees subject to Closed Meeting Investigator

4.4 Attached hereto as Schedule "A" is a list of boards and committees which by definition under the **Municipal Act, 2001**, and established by Council, may hold a portion of their meeting closed to the public, only in accordance with **section 239** of the **Municipal Act, 2001**.

Appointments to Boards, Commissions and Committees

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

Voting on Appointments

4.6 In all resolutions for the appointment of any person to any office the candidates shall receive a majority of the votes of all Members present and voting.

Ex Officio Privilege

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

Selection of Committee Chair

4.8 Where the membership of a Committee of Council is less than the total membership of Council, the Chair of the Committee will be selected by the Committee.

Calling of Committee Meetings and Quorum

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

Terms of Reference

4.10 Terms of Reference for Committees including procedures, shall be established by Council by by-law.

Resolutions of Committees/Only Requires Mover

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

Reports to Council

4.12 All reports or recommendations made by any Committee to Council shall be in writing and signed by the Chair of the Committee or the City staff representative to that Committee.

Record of Boards and Commissions and Members

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

ARTICLE 5 - NOTICE OF MEETING FOR PUBLIC

5.1 Notice of Council Meetings and General Committee Meetings, and all other Committees of Council Meetings for public information shall consist of posting of notification of meeting on the City of Welland's website, together with posting of notification of meeting on the public bulletin board located within the Civic Square, at least three (3) days prior to the date of the meeting. For the purpose of this article, a Committee of Council is defined as a committee where the majority of the committee members are also members of Council.

Posting of Public Notice

5.2 Notice for public information of Special Council Meetings will be posted as soon as practical with the intent of Article 5.1 herein, taking into account the overriding provisions of Articles 10.13 and 10.14 herein.

Failure to Notify Public

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

Notice of Items of Public Interest

5.4 The above notwithstanding, the Corporation shall give notice for specific items of public interest to be considered at Council meetings, in accordance with its Public Notice By-law Number 2009-153.

ARTICLE 6 - CALL TO ORDER

Quorum of Council

6.1 As soon after the hour fixed for the meeting, as there shall be quorum present, the Mayor shall take the Chair and call the Members to order. Subject to Sections 10.13 and 10.14, a majority of the Members shall constitute a quorum.

Absence of Mayor at Council

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

ARTICLE 7 - AGENDAS & ADDITIONS TO AGENDA

Announcement of Agenda

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

Agenda Delivery

7.2 Copies of such agenda containing minutes, communications, by-laws or reports shall be prepared and delivered to the Mayor, the Members and the City Manager, at least 24 hours before any regular meeting of Council, and no portion thereof shall be read unless any Member so requests.

Additions to Agenda

7.3 Any additions to the agenda of the regular meeting of Council made less than twenty-four (24) hours prior to the meeting of Council shall require unanimous consent of the Members present.

ARTICLE 8 - DELEGATIONS APPEARING BEFORE COUNCIL

8.1 Any delegations appearing before Council shall be heard at the time they are to appear, as shown on the agenda, or at any time directed by a motion of Council duly passed, and shall comply with the rules contained in Municipal Policy No. GOV-001-0002, Delegations to Council, attached hereto as Schedule "B".

ARTICLE 9 - PETITIONS AND COMMUNICATIONS

9.1 Petitions and communications alike shall be delivered to the Clerk, addressed to Mayor and Council, and shall be added to next regularly scheduled meeting of Council. Such petitions and communications must be received no later than seven (7) days prior to the next regularly scheduled meeting of Council, otherwise it shall be placed on the next Council agenda.

ARTICLE 10 - GENERAL ORDER OF PROCEDURES AT COUNCIL MEETINGS**Order and Decorum**

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

Rules of Order

10.2 In all cases not provided for by these rules in the proceedings of Council or in Committee, the Rules of Order by Bourinot shall be followed, as well as the Rules of Order and Parliamentary Procedure Code of Conduct Speed Wheel, copyrighted by William Doherty.

Time, As Referred in By-Law

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

Council Meeting, Inaugural

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

Council Meeting Schedule

10.5 Subsequent to the inaugural meeting, the Council shall meet on the first and third Tuesday of each month in the year at 7:00 p.m.

Council Meeting, Following General Committee

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

Council Meeting, Change Date of

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

Council Meeting, Absence of Quorum

10.8 In absence of a quorum the meeting shall be adjourned, and any question under consideration keeps its place on the agenda for the next sitting.

Council Meeting, Location

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

Committee Meeting, Location

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

Council Meeting, Adjournment and Extension

10.11 The Council meeting shall adjourn at 11:00 p.m. and one extension of one-half hour duration may be granted if Council agrees by unanimous consent.

Special Meeting of Council

10.12 Whenever a special meeting of Council is required, it may be called by the Mayor, or upon receipt of a petition in writing by the Clerk signed by a majority of all the Members.

Notice of Special Meeting and Waiver of Notice

10.13 No by-law or resolution passed at a special meeting of Council shall be valid unless:

- (a) notice of the intention to consider or discuss such matter has been set out in a written notice calling such meeting and delivered to each Member not less than 24 hours prior to the time set for such meetings, or
- (b) all Members are present at the meeting and the resolution or by-law is passed by a three-fourths majority of all the members of Council.

Validity and Binding of Special Meeting

10.14 Notwithstanding the provisions of subsection 10.13 any by-law or resolution passed by a majority of the Members present at a special meeting shall be deemed to be valid and binding if no Member who was absent from the special meeting and who was not notified of such special meeting as hereinbefore set out, files with the Clerk within 21 days after the passing of the by-law or resolution, a letter signed by him/her and stating that he/she objects to the passing of the by-law or resolution.

Special Meeting, Minutes

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

ARTICLE 11 - COMMITTEE-OF-THE-WHOLE AND CLOSED MEETINGS

Council meets in Committee of the Whole to discuss reports and matters amongst its members in greater depth involving staff and public when required for this process.

In-Camera Meetings

11.1 Pursuant to **section 239** of the **Municipal Act, 2001**, all meetings shall be open to the public except as provided herein. A meeting or part of a meeting may be closed to the public if the subject matter being considered is:

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a Council, board, committee or other body may hold a closed meeting under another Act; and/or
- (h) a request under the **Municipal Freedom of Information and Protection of Privacy Act**.

In-Camera Meetings, Additional Reasons for

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

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

Mayor and Members to Self-Regulate Closed Meetings

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

Proceedings of Committee-of-the-Whole In-Camera

11.4 In-camera meetings are closed to the public and may commence prior to the start time of the regular Council Meeting or General Committee Meeting as prescribed herein, and shall state by resolution, the fact of the holding of the closed meeting and the general nature of the matter to be considered; and in the case of a meeting under section 11.2 of this by-law, the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed in accordance with **section 239(3.1)** of the **Municipal Act, 2001**.

In-Camera, Procedure

- 11.5 To close a meeting from the public:
- (a) Council shall openly pass a resolution to meet in "Committee-of-the-Whole closed to the public" and such resolution shall state the general nature of the matter(s) to be considered;
 - (b) The Clerk shall note the time the in-camera meeting began and ended.
- While in a in-camera meeting, the rules of Council shall be observed as far as may be applicable, except that the taking of a vote shall not be permitted unless provided for by legislation.

Committee-of-the-Whole, Chair

- 11.6 When a resolution has been passed that the Council go into Committee-of-the-Whole closed to the public, the Mayor shall leave the Chair, but the Mayor shall first appoint a Chair of the Committee-of-the-Whole, unless the resolution to go into Committee-of-the-Whole states that the Mayor or other Member shall be Chair of the Committee-of-the-Whole.

Committee-of-the-Whole, Arise Without Report

- 11.7 A motion in Committee-of-the-Whole to arise without report shall always be in order and shall take precedence over any other motion; and shall be decided without debate.

Committee-of-the-Whole, Arise and Report

- 11.8 Any motion in Committee-of-the-Whole to arise and report shall be decided without debate.

In-Camera Meeting, Minutes

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

In-Camera Meeting, Approving Directions

- 11.10 The Confirmatory By-law of the Corporation is deemed to authorize the directions of Council in an in-camera meeting.

In-Camera Meeting, Confidentiality

- 11.11 All deliberations and information and documentation received or taken while in an in-camera meeting shall remain confidential. The final results of deliberations and such information and documentation may only be made public by the Clerk when such disclosure is authorized by Council, or authorized by legislation or legislative authority. A Member who fails to comply with this provision may be subject to an inquiry.

ARTICLE 12 - NOTICE OF MOTION

- 12.1 A notice of motion is a written introduction of intent to Council to consider a motion at its next meeting. A notice of motion may be presented verbally at one meeting that the issue will be introduced by motion at the next or subsequent meeting for consideration by Council. Notice shall also be deemed duly given if provided to the Clerk in writing and reproduced in the next or subsequent Council Agenda. The right to move a notice of motion shall be deemed to be that of the Member who introduced the Notice with the following limitations:

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

ARTICLE 13 - MOTIONS

Motions, Moving of

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

Motions, Contrary to Rules

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

Motions, Out of Order

13.3 (1) A motion at a regular meeting respecting any issue or matter which does not appear on the agenda of that meeting shall be ruled out of order.

(2) A motion shall be in order that is:

- (a) clearly worded;
- (b) contained within a written notice of motion;
- (c) filed with the office of the Clerk prior to the close of the agenda for the regular meeting at which it is proposed to be considered; and
- (d) added to the Agenda in accordance with Article 7.3.

Motions, Precedence for Debate

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

- (a) for adjournment;
- (b) for the previous question;
- (c) to lay on the table;
- (d) to postpone the question to a certain day (defer);
- (e) to refer; or
- (f) to amend;

which shall have precedence in the order in which they are named. Motions (a) to (e) shall be decided without debate except in (c), (d) and (e), where discussion as to appropriateness of time and place shall be allowed.

Motions, To Table

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

Motions, Point of Order

13.6 When the Chair is called on to decide a point of order or practice, he/she shall state the rule or authority applicable to the case and such decision is final unless successfully challenged without debate by a majority of Members present.

Motions, Speaking on

13.7 No Member shall speak more than twice on the same question, without leave of Council, except in explanation of a material part of his or her speech which may have been misconceived, but in no event shall he or she introduce a new matter. The above notwithstanding, debate by any one Member on any one item shall be limited to not more than 5 minutes and not more than two (2) presentations per Member. The mover or in his/her place, the seconder of a resolution will be given the opportunity to open and to close debate on a motion.

Motions, Interruption of Putting the Question

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

Motions, Mayor Vote and Tie Vote

13.9 The Mayor may vote with the other Members on all questions, and any question on which there is a tie the vote shall be lost.

ARTICLE 14 - AMENDMENTS TO MOTIONS**Order of Considering Amendments**

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

Amendments, Deciding and Withdrawing

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

Amendments, Amount Allowed

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

ARTICLE 15 - BY-LAWS**General**

15.1 Every proposed by-law shall receive three readings prior to its being passed and every proposed by-law may be read twice or thrice and passed or advanced two or more stages in one day.

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

By-laws, Separate Consideration

15.3 Notwithstanding anything herein contained, upon the request of any member of Council that a proposed by-law be considered separately, it shall, without debate, be removed from the motion and introduced by a separate motion as the next item of business.

Confirmatory By-law

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

Effect of Resolution/By-law

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

ARTICLE 16 - RECORDED VOTES AND SECRET BALLOTS**General**

16.1 When a recorded vote of the Council is called for by any Member, each Member including the Mayor shall announce his or her vote openly and individually, and the City Clerk shall record it.

Recorded Votes

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

Secret Ballot Not Allowed

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

ARTICLE 17 - RECONSIDERATION OF A DEFEATED RESOLUTION OR BY-LAW

17.1 No by-law or resolution of Council previously voted upon and defeated shall during the subsequent twelve (12) month period be re-introduced, debated or re-voted upon;

- (i) where, by statute, an appeal or other remedy of the same is available, or
- (ii) after two subsequent regular meetings of Council have been held, and
- (iii) unless a motion to **reconsider** the same has been approved by a two-third majority vote of those Members present at either of such Council meetings.

ARTICLE 18 - CONDUCT AT MEETINGS**Address the Chair**

18.1 Every Member when speaking shall address himself/herself to the Chair.

Chair Identifies Speaker

18.2 When two (2) or more Members arise to speak, the Chair shall name the Member who is to speak first.

Code of Conduct

18.3 Every Member shall comply with the Code of Conduct, attached hereto as Schedule "C".

ARTICLE 19 - EFFECTIVE DATE/REPEAL OF BY-LAW

19.1 This by-law shall come into full force and take effect on the 5th day of May, 2009.

19.2 That By-law 2007-178 shall be and the same is hereby repealed upon the effective date of this by-law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL
THIS 3rd DAY OF November, 2009.



MAYOR



ACTING CLERK

Schedule "A" - List of Committees established by by-law

TO BE PROVIDED

**- CITY OF WELLAND
POLICY**

Policy Title:	Delegations to Council	Policy Number:	GOV-001-0002
Date of Approval:	November 15, 2005	Support Role:	Deputy Clerk
LeadRole:	City Clerk	Next Review Date:	
Cross Reference:	By-law 2005 - 176		
Council File Number:	05 - 28		

Policy Statement:

The City of Welland welcomes delegations wishing to appear before City Council, however due to time restrictions to attend to all business before Council on any given date, the Clerk shall prioritize requests for delegations as follows:

- First Priority: No more than five (5) delegations per meeting.
- Second Priority: Delegations required by legislation to be heard under specific sections of the Planning Act or Municipal Act or other legislation under the municipality's jurisdiction.
- Third Priority: Delegations related to agenda items that meeting.
- Fourth Priority: Urgency (as determined by Clerk).
- Fifth Priority: Community interests to announce events (i.e. food drive).
- Sixth Priority: Relativity of topic to Council's authority.

When a delegation cannot be scheduled due to the priorities established by this policy, the following alternatives will be offered by the Clerk:

- Schedule to first available General Committee Meeting.
- Schedule to first available Council Meeting.
- Schedule to time where report is to be discussed if applicable and timely.

1. The delegation is required to submit a written request including name, address and phone number (to be reached during the day) as well as a brief explanation of the issue to be addressed and the desired action of Council on the issue. The request must be received by the Clerk's Department no later than 4:00 p.m. on the Tuesday the week before the meeting. Failure to provide the required information on time will result in a loss of privilege to speak before Council.
2. It would also be advisable to forward, to the Clerk's Department by the Tuesday deadline, twenty-two (22) copies of all written materials to be discussed with Council. The Clerk will ensure that all materials will be included in the Agenda packages for the Councillors and appropriate staff.
3. If the delegation intends to read from a prepared text, a copy of this text must be filed with the City Clerk for City records.
4. Should the delegation choose to present additional written materials at the meeting, twenty-two (22) copies should be made available for distribution.

CITY OF WELLAND

POLICY

5. Delegations will not be permitted to speak to Council on any matter requiring a reconsideration vote of Council prior to Council voting to reconsider.
6. Delegations will be heard at the commencement of the meeting in the order they appear on the Agenda. Presentations will be limited to ten (10) minutes in length. At the conclusion of the presentation, members of Council will be given an opportunity to question the delegation and seek clarification from either the delegation or staff. As a general rule five (5) minutes will be provided for questions of clarification for a total allotment of fifteen (15) minutes per delegation.
7. If Council is satisfied that all reports and information pertaining to the subject have been presented, a decision will be made immediately following the presentation. However at a meeting where time is limited Council will try to utilize the fifteen (15) minute rule for each delegation. If additional time is needed beyond the fifteen (15) minutes for debate by Council, the matter will be referred to an appropriate time later in that meeting or another specific meeting.
8. The decision of Council will be made in public usually while the delegation is present subject to Clause 7 above. The Clerk will confirm, in writing, the decision of Council to the spokesperson designated in the original request for the delegation.
9. A delegation wishing to meet with Council "In Camera" will be permitted, provided the reasons for requesting such a meeting fall within the guidelines established by the Procedural By-law of Council.
10. Delegations failing to appear at their scheduled time will not be given further opportunity on the same subject unless a valid reason is provided prior to the original absence.
11. The ability for the public to speak to its government is a privilege granted by the respective government authority to its constituents in a manner the government chooses. The above notwithstanding, tradition has been (particularly at the local government level) to allow some form of deputation within a prescribed set of rules under a Procedural By-law authorized by the Municipal Act. Those rules should maintain the notion of privilege and the ability of a Chair to restrain anyone who abuses that privilege.

Schedule "C"

AGENDA PAGE
NUMBER



REF. NO. 05-97

MOTION

MOVED BY: Mayer Houlbourn
SECONDED BY: Green

PRESENTED TO
COUNCIL
APR 05 2005
C.A. STIRTZINGER, City Clerk
CITY OF WELLAND

That Council accept a code of conduct based on the following principles (taken from Sunnyvale California Model):

All council members should:

- Fully participate in council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- Prepare in advance of council meetings and be familiar with issues on the agenda.
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community.
- Demonstrate honesty and integrity in every action and statement.

The chair of the meetings should:

- Maintain order, decorum and the fair and equitable treatment of all speakers.
- Keep discussion and questions focused on the specific agenda item under consideration.

Council Conduct With One Another

Councils are composed of individuals with a wide variety of backgrounds, personalities values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and future of the community. In all cases, this common goal should be acknowledged even as council may "agree to disagree" on contentious issues.

In Public meetings:

- Practice civility and decorum in discussion and debate.
- Honour the role of the Chair in maintaining order.
- Avoid personal comments that could offend any members of council.
- Demonstrate effective problem-solving approaches.

In private encounters:

- Continue respectful behaviour in private.
- Be aware of the insecurity of written notes, voice mail messages, and e-mail.
- Even private conversations can have a public presence. Assume that you are almost always "in the public eye".

...continued...



MOTION

- PAGE 2 -

Council Conduct With Municipal Staff

- Treat all staff as professionals.
- Limit contact to specific municipal staff. Observe the chain of command.
- Do not disrupt municipal staff from their jobs
- Never publicly criticize an individual employee.
- Do not get involved in administrative functions
- Limit requests for staff support. Such requests should be made through the City Manager, who is responsible for allocation resources so as to maintain a well run municipality.
- Do not solicit political support from staff.

Council Conduct With the Public

In public meetings:

- Be welcoming to speakers and treat them with care and gentleness.
- Be fair and equitable in allocating public hearing time to individual speakers.
- Be an active listener and offer support whenever appropriate.
- Ask for clarification, but avoid debate and argument with the public.
- No personal attacks of any kind, under any circumstances.

In unofficial settings:

- Make no promises on behalf of council (or the staff).
- Make no personal comment about other members of council.
- Remember that your municipality is a small community. Your actions are observed. Your behaviour and comments serve as a model (good or bad).
- Be clear about representing the municipality or personal interests in your appearance before other people or bodies. If you are representing the municipality, you must advocate the position taken by the council, not your personal position.
- In a similar vein, municipal letterhead should not be used for correspondence conveying a personal view or a dissenting view from the council position.

..continued...



MOTION

- PAGE 3 -

Council Conduct With the Media

- Best advice for dealing with the media is never to go "off the record".
- The Mayor is the official spokesperson for the municipality.
- Choose words carefully and cautiously.

SUMMARY

It all comes down to respect
 Respect for one another as individuals . . . respect for the
 validity of different opinions... respect for the democratic
 process . . . respect for
 the community that you serve.

COUNCILLORS	YEAS	NAYS
O'DELL		
GRIMALDI		
DZUGAN		
FORTIER		
SHARPE		
BEAUDOIN		
ALEXANDER		
GRENIER		
CHIOCCHIO		
LAROCHE		
BELCASTRO		
SPADAFORA		
MAYOR GOULBOURNE		

**PRESENTED TO
 COUNCIL**
 APR-U5 2005
 C.A. STIRTZINGER, City Clerk
 CITY OF WELLAND

CARRIED

LOST

NOT PUT