

City of Kingston By-Law Number 2024–XXX

By-Law to Amend City of Kingston By-Law Number 2021-41 A By-Law to Provide Rules for Governing the Order and Procedures of the Council of The Corporation of the City of Kingston

Whereas:

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under Subsection 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (*Municipal Act, 2001*, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act, 2001*, s. 5 (3)).

A single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (*Municipal Act, 2001*, s. 10 (1)).

Every municipality must pass a procedure by-law for governing the calling, place and proceedings of meetings (*Municipal Act, 2001*, s. 238).

On March 18, 2021, council for the City (“**council**”) enacted *City of Kingston By-Law Number 2021-41 “A By-Law to Provide Rules for Governing the Order and Procedures of the Council of The Corporation of the City of Kingston, and to Repeal By-Law Number 2010-1, Council Procedural By-Law, as Amended, in its Entirety”* (the “**By-Law**”).

Council considers it necessary and desirable for the public to amend the *By-Law*.

Therefore, *council* enacts:

1. Amendment of Section 4

1.1 Subsection 4.9 of the *By-Law* is amended:

- (a) in clause (b), by deleting the words “at the next Council Meeting”;

- (b) by deleting clause (c) in its entirety; and
- (c) by renumbering clause (d) to (c) and by adding “as an item of miscellaneous business” at the end of the clause.

2. Amendment of Section 5

- 2.1 Subsection 5.8 of the *By-Law* is amended by adding “that is not a Standing Committee” between “Committee” and “in”.

3. Amendment of Section 6

- 3.1 Subsection 6.4 of the *By-Law* is amended by deleting it in its entirety and subsequent subsections are renumbered accordingly.
- 3.2 Subsection 6.5 of the *By-Law* is amended by deleting it in its entirety and subsequent subsections are renumbered accordingly.
- 3.3 Subsection 6.4 of the *By-Law*, as renumbered by this by-law, is amended by deleting “budget items”.
- 3.4 The heading above subsection 6.8 of the *By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety and substituting “Public Participation”.
- 3.5 Subsections 6.8, 6.9, 6.10, 6.11, 6.12, 6.13, 6.14 and 6.15 of the *By-Law*, all as renumbered by this by-law, are each amended by deleting “town hall” and substituting “public participation”.
- 3.6 Subsection 6.16 of the *By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety and subsequent subsections are renumbered accordingly.
- 3.7 Subsection 6.19 of the *By-Law*, as renumbered by this by-law, is amended by deleting “6.19” and “6.21” and substituting “6.16” and “6.18” respectively.
- 3.8 Subsection 6.20 of the *By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety.

4. Amendment of Section 8

- 4.1 Subsection 8.1 of the *By-Law* is amended by deleting it in its entirety and substituting:

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“The Clerk shall prepare and deliver the Agenda for all Council Meetings with the order of business listed as follows:

- (a) Call Meeting to Order;
- (b) The Committee of the Whole “Closed Session” (if any);
- (c) Report of the Committee of the Whole “Closed Session” (if any);
- (d) Approval of the Addendum (if any);
- (e) Disclosure of Pecuniary Interest;
- (f) Presentations;
- (g) Delegations;
- (h) Petitions;
- (i) Deferred Motions;
- (j) Motions of Congratulations, Recognition, Sympathy, Speedy Recover, etc.;
- (k) Briefings;
- (l) Reports:
 - (i) CAO Consent, Recommend, and Consider;
 - (ii) Administrative Policies Committee;
 - (iii) Arts, Recreation and Community Policies Committee;
 - (iv) Environment, Infrastructure and Transportation Policies Committee;
 - (v) Kingston Heritage Properties Committee;
 - (vi) Planning Committee;
 - (vii) All other Committees reporting to Council in alphabetical order; and

- (viii) Other Reports;
- (m) Committee of the Whole Report;
- (n) Information Reports; Information Reports from Members of Council;
- (o) Miscellaneous Business;
- (p) New Motions;
- (q) Notice of Motions;
- (r) Minutes;
- (s) Communications Package;
- (t) Other Business;
- (u) By-Laws; and
- (v) Adjournment.”

4.2 Subsection 8.3 of the *By-Law* is amended by deleting “in consultation with the Mayor or Chief Administrative Officer”.

5. Amendment of Section 9

5.1 Subsection 9.6 of the *By-Law* is amended by deleting it in its entirety and substituting:

“Subject to Subsection 3.4 (c) of this By-Law, a Member who intends to leave a Meeting shall advise the Chair or Clerk before doing so.”

6. Amendment of Section 12

6.1 Subsection 12.1 of the *By-Law* is amended by deleting it in its entirety and subsequent subsections are renumbered accordingly.

6.2 Subsection 12.2 of the *By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety and subsequent subsections are renumbered accordingly.

6.3 The heading above subsection 12.5 of the *By-Law*, as renumbered by this by-

law, is amended by deleting “Ceremonial”.

6.4 Subsection 12.5 of the *By-Law*, as renumbered by this by-law, is amended by deleting “Ceremonial presentations” and substituting “Presentations”.

6.5 Subsection 12.6 of the *By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety and substituting:

“A presentation shall not exceed five minutes.”

6.6 Subsection 12.7 of the *By-Law*, as renumbered by this by-law, is amended by adding “The Clerk will not accept a request received after the deadline” after “heard.”

6.7 Subsection 12.8 of the *By-Law*, as renumbered by this by-law, is amended by deleting “an item” and replacing it with “a Report or New Motion”.

6.8 Subsection 12.9 of the *By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety and substituting:

“Subject to the following terms, the number of Delegations at a Meeting shall not exceed six. At a Meeting, each Member may make one, but no more than one, Motion to permit one, but no more than one, Delegation in excess of such limit. In order for such a Motion to pass, a two-thirds majority of all votes must be cast in its favour. No debate is permitted on such a Motion.”

6.9 Subsection 12.12 of the *By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety and subsequent subsections are renumbered accordingly.

6.10 Subsection 12.13 of the *By-Law*, as renumbered by this by-law, is amended:

- (a) in clause (c), by deleting “but have not yet been heard by Council”;
- (b) by adding the following clause (d): “reports received from a Standing Committee;” and subsequent clauses are renumbered accordingly; and
- (c) by adding the following clause (e): “an Information Report to Council;” and subsequent clauses are renumbered accordingly.

6.11 Subsection 12.15 of the *By-Law*, as renumbered by this by-law, is amended by adding “, expand the scope of the completed delegation,” between “opinions”

and “or”.

- 6.12 Subsection 12.18 & 12.19 of the *By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety and subsequent subsections are renumbered accordingly.
- 6.13 Clause 12.18 (e) of the *By-Law*, as renumbered by this by-law, is amended by deleting “their name, address and a valid email address” and substituting “their name and either their address or postal code”.
- 6.14 Subsection 12.20 of *the By-Law*, as renumbered by this by-law, is amended by deleting “and may request, without a Motion, that it be referred to a particular member of staff or a Committee for a report to Council”.
- 6.15 Section 12 of the *By-Law* is amended by adding the heading “Briefings” under subsection 12.24 of the *By-Law*, as renumbered by this by-law.
- 6.16 Section 12 of the *By-Law* is amended by adding the following subsection 12.25:
“Subject to subsection 12.26 and the following terms, staff may give a Briefing with respect to any item on the Agenda. A Briefing shall not exceed ten minutes unless the Chief Administrative Officer has recommended an extension of such limit and the Clerk has approved such extension.”
Subsequent subsections are renumbered accordingly.
- 6.17 Section 12 of the *By-Law* is amended by adding the following subsection 12.26:
“A Minister or staff of the Government of Ontario or the Government of Canada, or an agency, board or corporation of the Government of Ontario or the Government of Canada, may give a Briefing with respect to any item on the Agenda. There is no limit on the length of time permitted for such a Briefing.”
Subsequent subsections are renumbered accordingly.
- 6.18 Section 12 of the *By-Law* is amended by adding the following subsection 12.31:
“A CAO consider report is not permitted at a Committee Meeting.”
Subsequent subsections are renumbered accordingly.
- 6.19 Section 12 of the *By-Law* is amended by adding the following subsection 12.44:

“A Member may not make a New Motion to adopt an official City position in response to an international political activity or spontaneous world event.”

6.20 Subsection 12.51 of *the By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety and subsequent subsections are renumbered accordingly.

6.21 The heading below subsection 12.50 of the *By-Law*, as renumbered by this by-law, is amended by adding “Package” after “Communications”.

6.22 Section 12 of the *By-Law* is amended by adding the following subsection 12.51:

“The Clerk shall assemble, in a manner that will ensure its efficient presentation to Council, all documents received as a communication from a local board or agency and intended for presentation to Council, including meeting agendas, meeting minutes and financial statements.”

Subsequent subsections are renumbered accordingly.

6.23 Subsection 12.55 of the *By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety and subsequent subsections are renumbered accordingly.

6.24 Subsection 12.58 of the *By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety and substituting:

“The Clerk may add to an Agenda communications received from the council of another municipality requesting consideration or endorsement of such council’s resolution or by-law. Communications received from another municipality requesting the support of another municipality’s resolution or by-law will not be included with communications assembled under Subsection 12.51.”

6.25 Subsection 12.58 of the *By-Law*, as renumbered by this by-law, is amended by deleting “or ask a question during this portion of the Meeting. A Member may bring forward a matter of other business when the item comes up on the Agenda”.

7. Amendment of Section 13

7.1 Section 13 of the *By-Law* is amended by adding the following subsection 13.15:

“Members make speak to a Motion to Defer but, when doing so, shall not exceed one minute.”

Subsequent subsections are renumbered accordingly.

8. Amendment of Section 14

8.1 Subsection 14.3 of the *By-Law* is amended by deleting it in its entirety and substituting:

“The mover of a Motion shall speak first and may also speak last.”

8.2 Subsection 14.4 of the *By-Law* is amended by deleting it in its entirety and subsequent subsections are renumbered accordingly.

9. Amendment of Section 15

9.1 Subsection 15.11 of the *By-Law* is amended by deleting “All votes captured in a digital format will be displayed on the Council Chamber projection screen(s).” and by deleting “15.13” and replacing it with “15.14”.

9.2 Section 15 of the *By-Law* is amended by adding the following subsection 15.14 under the “Recorded Vote” heading:

“In a Council Meeting where electronic voting is available, the Clerk shall take a recorded vote on all Motions that advance the business or decision-making of Council.”

Subsequent subsections are renumbered accordingly.

10. Coming into Force

10.1 This by-law will come into force and take effect on January 1, 2025.

Exhibit A to Report Number 24-211

1 st Reading	date
2 nd Reading	date
3 rd Reading	date
Passed	date

Janet Jaynes
City Clerk

Bryan Paterson
Mayor