

B Y - L A W N U M B E R 98-2011

A BY-LAW TO PROVIDE RULES
GOVERNING THE PROCEEDINGS OF
WINDSOR CITY COUNCIL MEETINGS
AND ITS COMMITTEES AND THE
CONDUCT OF ITS MEMBERS

Passed the 7th day of June, 2011.

WHEREAS the *Municipal Act, 2001, S.O. 2001, c. 25 section 238 as amended* (2) requires that every Council and local board shall adopt a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS it is deemed expedient to adopt, by by-law, rules governing the order and procedure of the Council of The Corporation of the City of Windsor and its committees;

THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

Part 1—Interpretation/Definition

1. In this By-law:

—**Agencies/Corporations** means established as private corporations under the *Ontario Business Corporations Act* to deliver specific services and are responsible to their shareholders.

“**Agenda**” means the written Order of Business

“**Abstain**” means to refrain from voting. Typically abstentions are not recorded unless the member is not participating in the vote due to a declared conflict on a matter before the Council.

“**Adjourned meeting**” means the continuation of a regular or special meeting which deals with unfinished business of the regular or special meeting.

—**Board** means established by provincial legislation and tasked with overseeing the operation and delivery of services identified in legislation.

“**Chair**” means the person presiding over a meeting, who is charged with the responsibility to decide questions and points of order or practice, preserve order and maintain decorum in the proceeding. The Chair (except where disqualified) may vote on all questions.

“**Civic or Public Holiday**” means those listed as holidays in the *Legislation Act, 2006 Section 88*, as amended from time to time.

“**Clerk**” means the City Clerk of the Corporation of the City of Windsor or his/her designate.

“**Committee of the Whole**” means all members of the Council of the City of Windsor, sitting in Committee of the Whole. Its purpose is to facilitate discussion by using less strict rules than those used in formal meeting of the Council.

“**Committee**” means a Committee of Council which has been duly appointed to deal with specific administrative matters and provides advice and/or recommendations to Council.

“**Communications**” includes but is not limited to the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure, newspaper/magazine article, etc.

“**Consent Agenda**” means a listing of items of business of a routine nature which do not require substantial discussion and/or debate.

“**Council**” in the context of the Corporation of the City of Windsor is comprised of eleven Members, and includes a Mayor and one Councillor from each of the ten wards in the City of Windsor.

“**Councillor**” is the term consistent with the *Municipal Act* and is the title assigned to a

Member elected to represent electors of a specific Ward.

“**Division of the Question**” means a request by a Member to have a long motion divided into parts which are capable of standing alone, so that these parts may be considered separately.

“**Head of Council**” means the Mayor of the Corporation of the City of Windsor.

“**Improper Conduct**” means conduct which offers any obstruction to the deliberations of proper action of Council.

“**In Camera**” means a meeting or portion thereof, which is closed to the public in accordance with the *Municipal Act 2001, S. 239 as amended*.

“**Majority**” means more than half of the votes cast by members entitled to vote.

“**Mayor**” is the Head of Council who is elected by general vote and is the Ex-officio of all Standing Committees except for the Executive Committee.

“**Meeting**” means any regular or special meeting of Council or Committee.

“**Member of Council**” means a person duly elected or appointed to serve on Council for the Corporation of the City of Windsor.

“**Notice of Motion**” means an advance notice to members on a matter which Council will be asked to take a position.

“**Order of Business**” means the sequence of business under consideration at a meeting that has been duly called and constituted.

“**Pecuniary Interest**” means a direct or indirect interest within the meaning of the *Municipal Conflict of Interest Act, R.S.O. 1990*, as amended.

—**Planning Standing Committee** means a Standing Committee of Council comprised of five (5) members of Council and members at large as appointed by Council from time to time. This Committee shall be deemed the Statutory Meeting required for matters under the *Planning Act*.

“**Point of Order**” means a matter that a Member considers to be a departure from or contravention of the rules, procedures or generally accepted practices of the Council.

“**Point of Personal Privilege**” means a matter that a Member considers to impugn their integrity or the integrity of the Council.

“**Quorum**” means the majority of the whole number of the members of Council who are present in person. (The quorum for the purpose of Windsor City Council Meetings shall be 6 Members of Council.) For committees, quorum means the majority of the whole number of appointed Members who are present in person.

“**Recorded Vote**” means the recording in the Council Minutes, the names of each Member present and the manner of their vote on a matter or question before the Council. In the case of a Member who has declared a conflict on the matter or question, the minutes shall reflect the Member abstained from the vote.

“**Regular Meeting**” means a scheduled business meeting held in accordance with the approved calendar/schedule of meetings.

“**Rules of Procedure**” means the applicable procedural rules and rules of conduct contained in this by-law.

“**Special Meeting**” means a meeting not scheduled in accordance with the approved calendar/schedule of meetings.

“**Special Purpose Committee**” means a Committee established by Council to consider a specific matter. Council shall establish the composition, mandate and timelines for a final report from the Special Purpose Committee.

“**Standing Committee**” means a Committee established by Council to address matters which Council has deemed appropriate for the committee to consider. Standing Committees will address on-going administrative matters within the scope and responsibility of Council and will be expected to provide reports to Council presenting advice and/or recommendations on matters under consideration. It will be comprised

solely by five (5) members of Council, unless otherwise directed by Council, who are appointed by Council and which have an ongoing mandate or purpose.

—**Vice Chair** means in the absence of the Chair at a committee meeting, they will be charged with the duties of the Chair i.e. the person presiding over a meeting, who is charged with the responsibility to decide questions and points of order or practice, preserve order and maintain decorum in the proceeding. The Chair (except where disqualified) may vote on all questions.

PART 2 GENERAL APPLICATION OF THIS BY-LAW

2. a) The rules of procedure contained in this by-law shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business in the Council and unless specifically provided, with the necessary modifications, to all Standing Committees and Committees of Council thereof.
- b) Except as provided elsewhere in this by-law, any one or more of the rules contained in this paragraph may be temporarily suspended or waived by Council by a two-thirds vote of the whole number of members present:
 - Amending the Order of Business
 - Adding or removing delegations
 - Amending the rules for debate (adding or decreasing time for debate)
 - Introducing a Motion without the standard notice
 - Notice for calling a meeting as set out in part 3
- c) All points of order or procedure for which rules have not been provided in this bylaw shall be decided by the Chair in accordance, as far as is reasonably practical, with the rules of parliamentary law as contained in BOURINOT'S Rules of Order (the Canadian Parliamentary Authority)
- d) Unless a contrary intention appears, in this By-law, words in the singular include the plural and words importing masculine gender include the feminine.
- e) All Members, except the Mayor, are to be addressed as:
"COUNCILLOR (surname inserted)".
- f) The Mayor shall be addressed as
"MAYOR (surname inserted)" or as "YOUR WORSHIP".

PART 3 MEETINGS

3.1 Inaugural Meeting

- a) The first meeting in a new term of Council shall be held not later than the first Monday in December in each election year, at the hour of seven o'clock in the evening.
- b) The location of the inaugural meeting shall be determined by the resolution of the outgoing Council.
- c) The Inaugural Agenda may include:
 - Filing of Certificates and Declarations of Office and Oath of Allegiance in accordance with the provisions of the Municipal Act
 - Address by the Mayor
 - Ceremonial Address by Special guest(s)
 - Passage of Confirmatory By-law

3.2 Regular Meetings and Standing Committee Meetings

Location of Meetings

- a) All regular meetings of the Council and Standing Committees of Council shall be held in the Council Chambers of Windsor City Hall at 350 City Hall Square (3rd Floor), or at such other place within the City of Windsor as the Chair may from time to time determine.

Date and Time of Regular Meetings, Standing Committee Meetings and Committees of Council

- b) Council meetings shall be held twice monthly throughout the year, on the first and third Monday of the month unless otherwise indicated and shall be held according to the approved schedule. A meeting calendar will be presented to Council for approval by the Clerk in November of each year detailing the dates for all Regular Council and Standing Committees of Council.
- c) In the event the Monday designated for holding of a Regular Council meeting falls on a public or civic holiday or on a day when City Hall is closed for business, Council shall consider meeting at the designated hour on the first day following which is not a public or civic holiday.
- d) All regular meetings of Council shall commence at 6:00 o'clock p.m.
- e) The Executive Standing Committee shall meet on the fourth Monday of every month commencing at 6:00 o'clock p.m. or as approved by Council.

- f) The Planning Standing Committee shall meet on the second Monday of every month commencing at 4:30 o'clock p.m. or as approved by Council.
- g) The Economic Development Standing Committee shall meet on the first Wednesday of every month commencing at 4:30 o'clock p.m. or as approved by Council.
- h) The Social Development, Health & Culture Standing Committee shall meet on the second Wednesday of every month commencing at 9:00 o'clock a.m. or as approved by Council. or as approved by Council.
- i) The Public Safety Standing Committee shall meet on the third Wednesday of every month commencing at 4:30 o'clock p.m. or as approved by Council.
- j) The Environment and Transportation Standing Committee shall meet on the fourth Wednesday of every month commencing at 4:30 o'clock p.m. or as approved by Council.
- k) Advisory Committees of Council are to meet quarterly unless otherwise required, and subject to the approval of the City Clerk. The Windsor Essex County Environmental Committee, a joint City of Windsor/County of Essex Committee, is not restricted to quarterly meetings.

Notice of Meetings

- l) The Clerk shall cause to be delivered to the address provided notices/agendas for each regular meeting and Standing Committee of Council, for all members of Council and Committee members, as the case may be. The notice/agenda of these meetings shall be provided not less than 72 hours before the hour appointed for the holding of such meeting. At the same time the Clerk shall also distribute a copy of the notice/agenda to the Chief Administrative Officer and to the heads of all civic departments. Notices/agendas shall also be made available to the general public by any or all of the following means:
 - Posting to the web;
 - Mail delivery;
 - Facsimile transmission;
 - electronic mail;

3.3 Special Meetings of Council

- a) In addition to regular meetings, the Mayor may at any time summon a special meeting of Council by providing written direction to the Clerk stating the date, time and purpose for the special meeting.
- b) In addition, a majority of Council Members may at any time petition the Clerk to call a special meeting of Council by providing the written petition to the Clerk stating the date, time and purpose for the special meeting.
- c) The Clerk shall give notice to the members of the Council of all special meetings of Council whenever required, and such notice shall be delivered to each member by any of the following means (personal delivery, facsimile transmission, electronic mail) so as to reach their residence or place of business at least twenty-four hours before the time fixed for the special meeting. Notices/agendas shall also be made available to the general public by any or all of the following means:
 - Posting to the web;
 - Mail delivery;
 - Facsimile transmission;
 - electronic mail;

3.4 Closed Meetings of Council

- a) Council meetings, or portions thereof, may be held "In Camera" only in accordance with the *Municipal Act, 2001, S. 239*. The Clerk in conjunction with the Chief Administrative Officer, and Mayor will place the "In Camera" session, if required, at either the beginning or end of the meeting wherever deemed appropriate. The only matters to be considered "In camera" are as follows:
 - i) the security of the property of the municipality or local board.
 - ii) personal matters about an identifiable individual, including municipal or local board employees.
 - iii) a proposed or pending acquisition or disposition of land by the municipality or local board.
 - iv) labour relations or employee negotiations.
 - v) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
 - vi) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
 - vii) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.
 - viii) a matter related to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act, board, commission, or other body is the head of an institution for the purposes of that Act.
 - ix) a meeting of Council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
 - 1. The meeting is held for the purpose of educating or training the members.

2. at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, local board or committee.
- b) In the event that the subject matter to be considered at a meeting qualifies to be considered in closed session pursuant to *Section 239 S. 2 of the Municipal Act, 2001*, as amended, the public notice of meeting provided by the Clerk shall contain the general nature of the matter to be considered as required by the *Act*, and in addition, the Clerk shall provide to all members of Council a further notice which contains specifics of the confidential matters to be considered.
 - c) Prior to moving “In Camera” for one of the reasons listed in section 3.4 (a), Committee/Council shall pass a motion in public session stating:
 - i) the fact that the Committee/Council is convening into closed session, and
 - ii) the general nature of the matter to be considered.
 - d) A meeting may be closed to the public during the taking of a vote if section 3.4 (a) permits it, or requires that the meeting be closed to the public; and the vote is for a procedural matter or for giving directions and instructions to officers, employees, or agents of the municipality or local board or committee of either of them, or persons retained by, or under contract to the municipality or local board.
 - e) All resolutions, directions and general actions resulting from “In Camera” discussions shall be confirmed/adopted in open or public session.
 - f) The rules of Council as outlined in the procedural by-law shall apply during closed meetings of Council.

3.5 Adjournment Hour/All Meetings

- a) All regular Council meetings shall stand adjourned when the Council has completed all business as listed on the Order of Business or upon the arrival of the hour of 11:00 p.m.
- a) In the event the business before Council has not been completed at the hour of 11:00 p.m., then Council by unanimous vote of all the members present may approve an extension of the meeting to the hour of 12:00 midnight. At 12:00 midnight the unfinished business shall be deferred to the next regular meeting of Council, unless a resolution of Council to re-convene the Council Meeting to another day and time prior to the next regular meeting of Council is adopted by majority vote.

3.6 Quorum/Call to Order

- a) As soon as there is a quorum after the time set for the start of the meeting, the Mayor or Chair shall call the meeting to order.
- b) A majority of Members (more than half the total of the Council), or more than half the total of the Standing Committee of Council is necessary to constitute a quorum of the Council or Standing Committee.
- c) In the event that a quorum is not present within 30 minutes after the designated start time of the meeting, the Clerk shall record the names of the members present and the meeting shall stand adjourned.
- d) In the case where a quorum is present at a Regular Meeting of Council and the Mayor or Chair has not attended within fifteen minutes after the time appointed, the Clerk shall call the members to order, and the member of Council who is appointed as the Acting Mayor shall assume the Chair during the meeting or until the arrival of the Mayor.
- e) In the event the member designated as Acting Mayor is not present then the next member on the Acting Mayor list shall preside during the meeting or until the arrival of the Mayor.
- f) Members of Council are encouraged to notify the Clerk when the Member is aware that he/she will be absent from any meeting of Council/Standing Committee. In the event that the Clerk’s office is not notified in advance of the absence the record will show the member as being “absent without reason”.
- g) The Clerk shall record in the minutes those members who were present and those members absent with cause and without cause.
- h) If a quorum ceases to be present during the course of a meeting, proceedings must stop and the Chair must adjourn the meeting to a later date.

3.7 Telephone/E-mail polls

- a) No vote shall be taken in Council by ballot or any other method of secret voting. Telephone and/or e-mail polls of Members of Council shall be permitted only upon authorization by the Mayor or CAO, in emergency situations requiring Council direction where time does not permit holding a special meeting of Council and/or a quorum of Council cannot physically convene to consider a matter. The results of a poll must be confirmed and ratified at the next public meeting of Council.

PART 4 – ORDER OF BUSINESS FOR REGULAR MEETINGS OF COUNCIL

4.1 Order of Business

The Clerk shall prepare, for the use of the members at the Regular Meetings of the Council, an "Order of Business" (also known as the Council Agenda) in the following form and order:

- Call to Order

- Playing of the National Anthem
- Disclosure of Pecuniary Interest and the general nature thereof
- Adoption of the Minutes
- Notice of Proclamations
- Committee of the Whole – Mayor Presiding
- Communication Package
- Consent Agenda

Regular Business:

- Requests for deferrals, referrals and/or withdrawals of any items of business
- Presentations & Delegations
- Consideration of Business Items
- Consideration of Committee Reports
- Consideration of Matters from In-Camera meeting held prior to Council (if required)
- Consideration of By-laws – first and second reading

Formal Council Session:

- Adoption of the report of the Committee of the Whole
- Notices of Motion
- Motions
- Third and Final Reading/Adoption of By-laws (including Confirmatory By-law)
- Petitions
- Submission of written council questions
- Review and Adoption of Council Questions – Previous Council Meeting
- Verbal responses by Members of Administration
- New Council Questions
- Statements by Members of Council (non-controversial)
- Proposed in-camera agenda items for consideration at the next closed meeting
- Adjournment

- 4.2 The Clerk, under the direction of the Chief Administrative Officer may prepare a supplementary Order of Business in order to deal with urgent matters only.
- 4.3 Agendas for Council and Standing Committee meetings shall be made available to the public as soon as possible after they have been delivered to Members of Council, in accordance with section 3.2.
- 4.4 Any person directly affected by a report or correspondence on the Agenda, who may wish to address City Council on that topic, may be provided, upon request, with a copy of the report or correspondence as soon as it is available, but not before the reports are available for Council.
- 4.5 The regular Council Meeting Agenda and Executive Committee Meeting Agenda (Order of Business) will be established through the Agenda Review Process, consisting of the Mayor, Chief Administrative Officer, City Clerk and other members of Administration for the purpose of determining capacity for consideration at any given meeting.

PART 5 – DISCLOSURE OF PECUNIARY INTEREST

- 5.1 It is the responsibility of each Member to identify and disclose any pecuniary interest (as defined by the *Municipal Conflict of Interest Act, R.S.O. 1990, C. M.50*) in any item or matter before the Council or any Standing Committee or Committee of Council.
- 5.2 Where a Member, either on his own behalf or while acting, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council or Standing Committee at which the matter is the subject of consideration, the member shall:
- a) prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof.
 - b) not take part in the discussion of, or vote on any question in respect of the matter.
 - c) not attempt in any way whether before, during, or after the meeting to influence the voting on any such question.
- 5.3 Where a meeting is not open to the public, in addition to complying with the requirements, the Member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration.
- 5.4 Where the interest of a Member has not been disclosed by reason of absence from the particular meeting, the Member shall disclose the interest and otherwise comply at the first meeting of Council, or Standing Committee or Committee of Council, as the case may be, attended by the Member after the particular meeting.
- 5.5 The Clerk shall record the particulars of any disclosure of pecuniary interest made by members of Council, Standing Committees or Committees of Council, as the case may be, and any such record shall appear in the minutes of that particular meeting.

PART 6 - COMMUNICATION PACKAGE FOR REGULAR MEETING OF COUNCIL

- 6.1 The Clerk shall prepare a package of communication items for Members of Council for consideration at Regular meetings of Council. Items to form the communications package shall include but not be limited to various notices of development applications, liquor licence applications, status reports or general information to Council, correspondence items from other levels of government, crown corporations, agencies, boards or provincial/federal associations engaged in municipal matters.
- 6.2 Every item of correspondence intended to be presented to Council shall be legible, not contain any defamatory allegations, impertinent or improper matter, shall be signed by the author(s), and their return mailing address must be noted thereon.
- 6.3 a) Requests from persons, organizations, associations and other municipal governments to endorse resolutions affecting Provincial legislation shall be referred to the Association of Municipalities of Ontario (AMO) for review and consideration. Requests for resolutions concerning Federal legislation shall be referred to the Federation of Canadian Municipalities (FCM) for review and consideration.
- b) Council may direct the Clerk or other members of the administration to take additional action on a resolution where in the opinion of Council the local circumstances warrant a local initiative or support for said resolution.
- 6.4 Members of Council will be governed by the following rules respecting questions relative to communications:
- a) The Clerk shall note on the correspondence the recommended disposition of the item.
- b) Council Members are encouraged to contact the appropriate Corporate Leadership Team (CLT) member, or Senior Management Team (SMT) member prior to the meeting to raise questions or clarify issues relevant to the matter and to secure additional information as may be required.
- c) A limitation of 20 minutes shall be established for consideration of communication matters. A restriction shall be placed on Council Members at a maximum of 2 minutes each to raise any pertinent questions and/or comments pertaining to the correspondence items.
- d) Questions raised during the communications portion of the meeting shall not form part of the formal question period. The Clerk shall not formally record these questions, however, Administration shall have regard to providing a verbal response to the matters raised and will make every effort to provide the information to the Council Member within a reasonable time.
- e) A motion directing administration to undertake certain action with respect to any item of communication shall be in order provided it is moved and seconded.
- f) A motion to adopt the Communication package will be in order the earlier of the completion of the 20-minute time period for consideration of communication matters, or when all Council Members have concluded their questions on the communication items.
- g) Any issues of jurisdiction on any matter of communication before the Council shall be determined by the Chair. The decision of the Chair shall be final without recourse to a challenge of the Chair.
- 6.5 Delegations will not be heard on Communication items unless Council directs an administrative report as a regular agenda item be prepared for a future meeting at which time interested parties may address Council or the respective Standing Committee on the report.

PART 7 – CONSENT ITEMS FOR REGULAR MEETINGS OF COUNCIL

- 7.1 The Clerk shall compile a Consent Agenda for regular Council Meetings which lists items on the Order of Business that are routine matters, reports provided for information purposes, reports in response to Council Questions, and matters of a non-controversial nature.
- 7.2 In compiling the Consent Agenda, the Clerk may list the following items as consent items:
- a) site plans
- b) tenders
- c) property sales and purchases
- d) leases
- e) legal agreements
- f) encroachments
- g) parking and traffic by-law amendments
- h) street and alley closing reports
- i) part lot control exemption requests
- j) information reports from administration (if deemed necessary)
- k) legal formalities, i.e. Ontario Municipal Board applications
- l) accounts for approval
- m) responses to Council Questions (if deemed necessary)
- 7.3 A member of Council may speak to an item on the Consent Agenda prior to the consideration of the adoption of the matters listed on the Consent Agenda; however, if a Council member wishes to amend the recommendation of an item(s) listed on the

Consent Agenda, the member shall request the item(s) be removed from the Consent Agenda for consideration and debate during the Committee of the Whole (Consideration of Business Items).

PART 8 – PROCLAMATIONS

- 8.1 The Council of the City of Windsor recognizes the symbolic gesture of endorsing special days, weeks, or a month in support of various community groups and their causes.
- 8.2 Requests for proclamations shall be processed by the Clerk on the condition the request is made by a local organization (being defined as a group having an official presence in Windsor/Essex). The Clerk shall review the request and make any appropriate amendments to the proclamation, which in the Clerk's view improves the structure and/or intent of the requested proclamation. If deemed appropriate, at the discretion of the Clerk, may present the proclamation to the Mayor for signature. Once the proclamation has been signed, the proclamation shall be noted on the appropriate Council Agenda for information only along with approved flag raisings, if requested.
- 8.3 Council, having delegated the administration of proclamations, shall not hear delegations related to proclamation requests.
- 8.4 Each organization shall be responsible for disseminating the proclamation to the media and making arrangements for the attendance of the Mayor or Councillors at the specific function or event.
- 8.5 Where two or more organizations have made, in the discretion of the clerk, a similar request for a proclamation, the Clerk will recommend the two groups collaborate on the request for a mutually agreed upon submission, otherwise the Clerk will make the final determination regarding the date, time and manner in which the proclamation will be made.

PART 9 – PRESENTATIONS

- 9.1 Any person(s), organization(s), corporation(s), or appointed official(s) of the City of Windsor wishing to address the Municipal Council to inform Council of matters of significance to the City may be permitted to do so provided that such persons have requested and been granted presentation status from the Clerk by 12:00 noon on the Friday preceding the Council meeting.
- 9.2 Presentations shall be restricted to the following:
 - a) Civic Recognition/Awards – at the call of the Chair
 - b) Presentation by City staff or consultants retained by the City providing information related to municipal operations (time as required)
 - c) Presentation of information related to affiliated committees/boards, agencies at the Call of the Chair or must be routed through the appropriate Standing Committee. (10 minutes)
 - d) Presentations from senior levels of government or other municipal governments (10 minutes)
- 9.3 Civic Recognition Awards shall be administered by the Clerk in accordance with the guidelines as outlined in Appendix "A" which forms part of this by-law.

PART 10 – DELEGATIONS

PART A--PERTAINING TO CITY COUNCIL MEETINGS

- 10.1 The Clerk shall not register a delegation unless there is a specific item listed on the Order of Business to which the delegate has a bona fide interest and wishes to address Council.
- 10.2 Subject to Section 10.1, any person(s), group(s), corporation(s) or organization(s) not being a member of Council concerned or an appointed official of the City of Windsor, and wishing to address Council, may be heard by leave of Council, provided they advise the Clerk indicating the particulars of the matter to which the delegation wishes to address Council. Persons speaking before Council shall address their remarks to the stated business. Delegations will be limited to speaking only once. Rebuttal or cross debate with other delegations shall not be permitted.
- 10.3 Delegations will be permitted from the public gallery without prior registration only during a public hearing portion pursuant to appropriate legislative requirements.
- 10.4 Audio visual equipment may be used to assist in presentations to Council, provided permission has been obtained for use of such equipment from the Clerk at the time the delegation contacted the Clerk to register for the meeting.
- 10.5 The Chair may curtail any delegation, any questions of a delegation, debate during a delegation for disorder, or any other breach of this by-law. If the Chair rules that the delegation is concluded, the person or persons appearing shall withdraw from the delegation table. The decision of the Chair shall not be subject to any challenge.
- 10.6 Delegations shall not:
 - a) speak disrespectfully of any person.
 - b) use offensive words.
 - c) speak on any subject other than the subject for which they have received approval to address Council.

- d) disobey a decision of the Chair/Council.
 - e) enter into cross debate with other delegations, Administration, members of Council or the Chair.
- 10.7 Upon the completion of a presentation to Council by a delegation, any discourse between members and the delegation shall be limited to members asking questions for clarification and obtaining additional, relevant information only. Members shall not enter into debate with the delegation respecting the presentation. Once a motion has been moved and seconded, no further representation or questions of the delegation shall be permitted.
- 10.8 Any person who wishes to appear before a Regular Meeting of Council shall make application to the Clerk by the Friday preceding the Council meeting, 12:00 noon, to be placed on the Order of Business to appear before Council at the meeting at which it will be dealing with the item of interest to the delegate. A written brief is encouraged and, if submitted to the Clerk by noon on the Friday preceding the Council meeting shall be copied and distributed as "Delegation" submissions to Council members.
- 10.9 In the event application is made to the Clerk after the 12:00 noon deadline for registering as a delegation, but prior to Monday, 4:00 p.m. of the date of the meeting, the Clerk will bring the request to the attention of Council. Council on a 2/3 vote may decide to hear the delegation. Those persons registering after the 12:00 noon deadline will be advised by the Clerk that they may not be heard by Council unless a 2/3 of Council members vote to allow the late delegation.
- 10.10 A maximum of five minutes shall be allotted for each delegation to present his/her position of support or opposition to the relevant agenda item on the Order of Business. Where there are numerous delegations listed taking the same position on a matter, they are encouraged to select a spokesperson to present their views. Delegations are encouraged not to repeat information presented by an earlier delegation. The five minute time line shall be strictly enforced. The Clerk shall set a timer at the commencement of the delegation's presentation. The Mayor/Chair at the conclusion of the five minutes, shall inform the delegation that the time limit has been exceeded and thank the delegation for the presentation. Only upon a verbal motion to extend the five minute limit adopted by a majority of members shall the five minute limit be extended.
- 10.11 Any person(s), group(s), corporation(s) or organization(s) may wish to submit written material on a matter which is listed on the Order of Business, but choose not to provide verbal information in the form of a delegation before Council. Where the written material is provided to the Clerk by Friday, 12:00 noon preceding the Council meeting, the Clerk shall copy and distribute the material as a "Delegation" submission with the notation that there shall not be a verbal presentation by the delegation.
- 10.12 Any person(s), group(s), corporation(s) or organization(s) may choose to notify the Clerk that they will be in attendance at the Council meeting for the sole purpose of responding to any questions from the members of Council, but will not make a formal verbal presentation. In such instances, the Clerk will note the name(s) of such person(s), group(s), corporation(s) or organization(s) on the delegation register noting their appearance for the purpose of responding to questions.
- 10.13 The Clerk shall list the delegations in the following order:
- i) requests for deferral
 - ii) present for questions only
 - iii) supporting uncontested applications
 - iv) matters which have been tabled or deferred by Council
 - v) Planning Act/matters
 - vi) routine/administrative/other Committee matters
 - vii) controversial or non-consent related matters
 - viii) conditional delegations, varied by the Chair, Clerk or Council,
- and further, the above order of listing may be varied by the Clerk or Council for the following reasons:
- a) specific travel arrangements by out-of-town delegations necessitating either an early or late listing;
 - b) delegations requesting that they be heard either early or late due to the legitimate work/meeting conflicts;
 - c) matters which have a political sensitivity and/or legitimate reason for the disposition quickly;
 - d) matters which have such a widespread public interest where the number of spectators present in the Council Chambers/meeting room approaches or exceeds the capacity of the room, so as to allow for the matter to be dealt with as expeditiously as possible thereby reducing the number of spectators and creating a safer situation in the Council Chambers/meeting room;
 - e) consultants retained by the City who are present at the meeting to reduce cost to the City with a lengthy wait in the Council Chambers/meeting room;
 - f) other requests by delegations to be given a higher priority for a stated reason.
- 10.14 Delegations will not be permitted to assume any unused time allocated to another delegation.

- 10.15 When a request is received for a delegation wishing to be heard on an item which is not listed on the agenda, the person shall submit in writing the nature of their presentation to the Clerk.
- a) The written material shall be subject to the same rules as outlined in Part 6 – Communication Package.
 - b) The Clerk shall review the presentation material and determine if the subject matter and nature of the delegation’s request falls within the jurisdiction of the Municipal Council.
 - c) Once the Clerk has concluded that the presentation/request does fall within the jurisdiction of the Council, the Clerk shall forward a copy of the written submission to the Chief Administrative Officer to determine if an administrative report should accompany the submission on the next or subsequent agenda. If, in the sole discretion of the Chief Administrative Officer, it is deemed that an administrative report is required. The Chief Administrative Officer shall determine which Corporate Leadership Team member shall report on the issue and the timing of that report. The Clerk shall advise the delegation accordingly.
 - d) Where, in the sole discretion of the Chief Administrative Officer, it is deemed that the matter does not require an administrative report, the Clerk shall advise the author of the submission accordingly.
 - e) Where the matter falls outside of the scope and responsibility of the Council, the Clerk shall notify the person(s) that the presentation should be properly referred to the most appropriate board, commission, agency or Provincial or Federal Government for consideration.
- 10.16 Where a request is received to endorse a resolution, the Clerk shall notify persons, organizations, other governments that as a course of business, Council does not endorse resolutions. However, such requests will be automatically forwarded to the appropriate Provincial or Federal agency of which the City of Windsor is a member, along with a request that the matter be given a thorough review and consideration by the Association and its membership at the appropriate time.
- 10.17 Members of the public attending shall respect the decorum of Council and refrain from public outbursts, shouting, or behaviour intended to disrupt the debate, discussion and/or general proceedings of the Council. The Mayor or Chair may request that a member(s) of the public vacate the Council Chambers or meeting room if their behaviour is deemed to be disruptive to the business at hand. The Mayor or Chair may unilaterally suspend the meeting until order is restored in the Council Chambers or meeting room.
- 10.18 The display of placards and signs is not allowed in the Chamber/meeting room.

PART B--PERTAINING TO STANDING COMMITTEES OF COUNCIL

- 10.19 The Clerk shall not register a delegation unless there is a specific item listed on the Order of Business to which the delegate has a bona fide interest and wishes to address the Committee.
- 10.20 Subject to Section 10.19, any person(s), group(s), corporation(s) or organization(s) not being a member of the Committee concerned or an appointed official of the City of Windsor, and wishing to address the Committee, may be heard by leave of the Committee, provided they advise the Clerk indicating the particulars of the matter to which the delegation wishes to address the Committee. Persons speaking before the Committee shall address their remarks to the stated business. Delegations will be limited to speaking only once. Rebuttal or cross debate with other delegations shall not be permitted.
- 10.21 Delegations will be permitted from the public gallery without prior registration only during a public hearing portion of a meeting under the provisions of the *Planning Act, R.S.O. 1990, c. P.13*, as amended.
- 10.22 Audio visual equipment may be used to assist in presentations to Committee members. Permission should be received from the Clerk for the use of the equipment at the time the delegation contacts the Clerk to register for the meeting.
- 10.23 The Chair may curtail any delegation, any questions of a delegation, debate during a delegation for disorder, or any other breach of this by-law. If the Chair rules that the delegation is concluded, the person or persons appearing shall withdraw from the delegation table. The decision of the Chair shall not be subject to any challenge.
- 10.24 Delegations shall not:
- a) speak disrespectfully of any person.
 - b) use offensive words.
 - c) speak on any subject other than the subject for which they have received approval to address Committees.
 - d) disobey a decision of the Chair/Committees.
 - e) enter into cross debate with other delegations, Administration, members of Committees or the Chair.
- 10.25 Upon the completion of a presentation to the Committee by a delegation, any discourse between members and the delegation shall be limited to the members asking questions for clarification and obtaining additional, relevant information only. Members shall not enter into debate with the delegation respecting the presentation. Once a motion has been

- moved and seconded, no further representation or questions of the delegation shall be permitted.
- 10.26 Any person who wishes to appear before a Standing Committee of Council shall make application to the Clerk preceding the Standing Committee meeting.
- 10.27 A maximum of five minutes shall be allotted for each delegation to present his/her position of support or opposition to the relevant agenda item on the Order of Business. Where there are numerous delegations listed and taking the same position on a matter, they are encouraged to select a spokesperson to present their views. Delegations are encouraged not to repeat information presented by an earlier delegation. The five minute time line shall be strictly enforced. The Clerk shall set a timer at the commencement of the delegation's presentation. The Chair at the conclusion of the five minutes, shall inform the delegation that the time limit has been exceeded and thank the delegation for the presentation. Only upon a verbal motion to extend the five minute limit adopted by a majority of members shall the five minute limit be extended.
- 10.28 Any person(s), group(s), corporation(s) or organization(s) may choose to notify the Clerk that they will be in attendance at the Standing Committee meeting for the sole purpose of responding to any questions from the members of the Standing Committee, but will not make a formal verbal presentation. In such instances, the Clerk will note the name(s) of such person(s), group(s), corporation(s) or organization(s) on the delegation register noting their appearance for the purpose of responding to questions.
- 10.29 Delegations will not be permitted to assume any unused time allocated to another delegation.
- 10.30 Members of the public attending shall respect the decorum of the Standing Committee and refrain from public outbursts, shouting, or behaviour intended to disrupt the debate, discussion and/or general proceedings of the Standing Committee. The Chair may request that a member(s) of the public vacate the Council Chambers or meeting room if their behaviour is deemed to be disruptive to the business at hand. The Chair may unilaterally suspend the meeting until order is restored in the Council Chambers or meeting room.
- 10.31 The display of placards and signs is not allowed in the Chamber/meeting room.

PART 11 – PROCEEDINGS OF COMMITTEE OF THE WHOLE

- 11.1 The rules governing the procedure of Council and conduct of Members in Council shall be observed in Committee of the Whole so far as they are applicable, provided that:
- a) the number of times of speaking on any question shall not be limited, and
 - b) no Member shall speak more than once, until every member who desires to speak has spoken and then only to provide new information or to seek clarification from the Chair or other Members or from Administration
- 11.2 The Mayor shall preside over the proceedings of Committee of the Whole and may appoint a Member of Council to preside over the proceedings of the Committee of the Whole and shall then vacate the Chair.
- 11.3 The Committee of the Whole shall have jurisdiction and be responsible to formulate and discuss major and general policies and such other matters as may be referred to it by Council or Committees thereof.

PART 12 – RULES OF DEBATE IN COUNCIL AND STANDING COMMITTEES

- 12.1 No Member shall be deemed to have precedence or seniority over any other Member.
- 12.2 No Member shall speak to a question or motion until the Member has been recognized by the Mayor or Chair.
- 12.3 When a Member is speaking, no other Member shall interrupt that member except to raise a point of order.
- 12.4 If a Member disagrees with the announcement of the Mayor or Chair that a question is "Carried" or "Lost", he or she may immediately after the declaration by the Mayor or Chair, object to that declaration and request the vote be retaken for purposes of clarification.
- 12.5 Prior to the taking of a vote, a Member 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 who is speaking.
- 12.6 The following matters may be introduced orally without written notice and without leave:
- a) a point of order
 - b) a question of privilege
 - c) a motion to amend
 - d) a motion to refer
 - e) a motion to table the question
 - f) a motion to vote on the question
 - g) a motion to go into Committee of the Whole
 - h) a motion to suspend the rules of procedure
 - i) a motion to recess
 - j) a motion to adjourn
- 12.7 If a Member considers that his/her integrity or the integrity of Council or Committee of Council has been impugned, the Member may, as a matter of personal privilege and with

leave of the Chair, draw the attention of Council or Committee as the case may be, to the matter by way of a point of personal privilege. When a point of personal privilege is raised, it shall be considered and decided by the Chair immediately. The decision of the Chair on a point of privilege may be appealed to Council or the Committee of Council as the case may be.

PART 13 – VOTING PROCEDURES

- 13.1 Every Member, present at a meeting of the Council/Committee when a question is put, shall vote unless prohibited by statute, in which case, the Clerk shall record the name of the Member and the reason that he or she is prohibited from voting and if a member is absent, the Clerk shall also record his/her absence during the vote. All members present at the time of the vote must vote unless otherwise disqualified, regardless of whether they were present for the debate.
- 13.2 When a vote is taken and a tie results, it is deemed to be lost.
- 13.3 If any Member at a meeting of the Council/Committee does not vote when a question is put and a recorded vote is taken, he or she shall be deemed to have voted in the negative except where the Member has abstained from the vote as a result of declaring an interest in the matter or question before the Council/Committee.
- 13.4 When a recorded vote is requested by a Member, the Clerk shall record the name and vote of every Member on the question under consideration.
- 13.5 When the Mayor or Chair calls for a vote on a question, each Member shall occupy his or her seat and shall remain in his or her seat until the result of the vote has been declared by the Mayor or Chair, Committee of the Whole.
- 13.6 After a question is put by the Mayor or Chair, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- 13.7 The Mayor or Chair will, upon request of a Member, divide the question, and the vote upon each proposal shall be taken separately.
- 13.8 Notice of Motion**
- a) Notice of all new motions, except motions listed in Section 12.6, shall be given in writing and may be delivered to the Clerk prior to noon of the Wednesday preceding the date of the Regular Council meeting or may be introduced at a Regular meeting of Council but shall not be debated until the next regular meeting of Council. In either case, the Notice of Motion shall not be before Council for the purpose of discussion and/or debate until the next regular meeting of Council.
 - b) Where a Member's notice of motion has been called by the Mayor at the subsequent meeting and not proceeded with, it shall be dropped from the agenda unless Council decides otherwise.
 - c) Where Council has determined not to drop a notice of motion from the agenda, and at the second meeting such notice of motion is called by the Mayor and not proceeded with, it shall be deemed to have been withdrawn.
- 13.9 Motion to Suspend the Rules**
- A motion may be introduced without notice, if Council, without debate, dispenses with notice on the affirmative of 2/3 majority vote of the members present and voting.
- 13.10 Motion to Withdraw**
- After a motion is read or stated by the Mayor or the Chair, it shall be deemed to be in possession of Council, but may, with the permission of Council, be withdrawn at any time before decision or amendment.
- 13.11 Motion to Amend**
- A motion to amend:
- a) shall be made only to a previous question or to amend an amendment to the question;
 - b) shall be relevant to the question to be decided;
 - c) shall not be in order if in essence it constitutes a rejection of the main question;
 - d) shall be put in the reverse order to that which it is moved.
- 13.12 Motion to Refer**
- A motion to refer the question should include:
- a) the name of the body or official to whom the question is to be referred;
 - b) instructions respecting the terms upon which the question is to be referred.
 - c) A motion to refer the question shall not be debatable except where instructions are included, in which case, only the instructions shall be debatable.
 - d) A motion to refer a question may be amended in accordance with the provisions of Section 13.11.
- 13.13 Motion to Defer**
- A motion to defer:
- a) may include a fixed date for the question to come back before Council/Committee for consideration
 - b) may be made while the main motion or an amendment is on the floor, and takes precedence
 - c) may be debated, however the debate must be limited to the advisability of the proposed postponement
 - d) may be amended only to change the length of the postponement.

13.14 Motion to Adjourn

A motion to adjourn the Council/Committee or to end the debate (Call the Question) shall always be in order except:

- a) when a Member 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 has already indicated to the Mayor or Chair, that he or she desires to speak on the question;
- d) when resolved in the negative, cannot be made again until Council/Committee has conducted further proceedings.

13.15 Motion to Reconsider

A motion to reconsider:

- a) is not debatable
- b) is not amendable
- c) requires a majority vote, regardless of the vote necessary to adopt the motion to be reconsidered
- d) shall be in writing
- e) If the action approved in the motion cannot be reversed, the motion cannot be reconsidered
- f) A matter may be reconsidered at the same meeting provided that a member who voted with the majority on a question moves reconsideration of the matter.
- g) A member may give notice of reconsideration of a matter at any meeting following the meeting when the matter was considered. Only the mover of the motion to reconsider must have voted with the majority on the question to be reconsidered.
- h) A motion to reconsider suspends action on the motion to which it applies until it has been decided.
- i) No discussion of the main question which is proposed for reconsideration shall be allowed until the motion to reconsider is carried.
- j) No motion shall be reconsidered more than once during a period of twelve months following the date on which the question was decided.
- k) When a question is brought before a succeeding Council, it shall be deemed to be new Business and not a matter of reconsideration.
- l) The following motions cannot be reconsidered:
 - i) to adjourn
 - ii) to recess
 - iii) to suspend the rules
 - iv) to reconsider
 - v) Planning Act items

13.16 Order of Precedence

Where a motion is under consideration, no motion shall be received except a motion having precedence in the following order:

- a) to adjourn
- b) to recess
- c) to request information
- d) to request that the vote be taken (call the question)
- e) to limit or extend the debate
- f) to defer (to another meeting, date, indefinitely)
- g) to refer (to another committee, administration)
- h) to amend.

13.17 Non-Debatable Motions:

- a) to adjourn
- b) to close, limit or extend debate
- c) to lay on the table (to table)
- d) to call for the orders of the day
- e) questions of privilege
- f) to suspend the rules
- g) to take up from the table

13.18 Motions Proposing Actions Beyond Jurisdiction of Council (ultra vires)

A motion in respect of a matter which is beyond the jurisdiction or legislative authority of Council shall not be in order.

PART 14 – CONDUCT FOR MEMBERS OF COUNCIL AND LOCAL BOARDS
(RESTRICTED DEFINITION)

14.1 Members of Council/Committees shall:

- a) act in accordance with the "Code of Conduct" in the form appended hereto as Appendix "B" for the members of Council, Council appointments to local boards as defined in Section 1 (1) of the Municipal Act, and to all other appointments to City Committees, agencies, boards and commissions.
- b) not use indecent, offensive words or insulting expressions at any time toward other Members of Council, Civic Administration, delegations or members of the public

- c) not speak in a manner that is discriminatory in nature based upon an individual's race, ancestry, place of origin, ethnic origin, creed, gender, sexual orientation, age, colour, marital status or disability
 - d) speak only to the subject under debate
 - e) not criticize any decision of the Council except for the purpose of introducing a motion for reconsideration under Section 13 of this by-law
 - f) not disobey the rules of the Council or a decision of the Chair/Presiding Officer or Council on a Question of order, or upon the interpretation of the Rules of Council.
- 14.2 A Member who is called to order shall immediately cease to speak. Any Member persisting in a breach of this by-law may be ordered to leave the meeting by the Chair.
- 14.3 The Member will be permitted to retake his/her seat at a subsequent meeting provided the Member has apologized to Council.

PART 15 – BY-LAWS

- 15.1 The proposed by-law number, title and reason/reference shall be listed on the Regular Council meeting Agenda. Copies of the proposed by-laws shall be included in the agenda.
- 15.2 A motion duly moved and seconded is required to introduce the by-laws for first and second reading and consideration by Council in Committee of the Whole.
- 15.3 A Member may request that the Clerk read a by-law or by-laws for clarification or benefit of the public.
- 15.4 A member may request debate and/or amendments to any of the By-laws in Committee of the Whole.
- 15.5 All amendments made in Committee of the Whole shall be reported by the Mayor to Council.
- 15.6 After discussion and/or debate, a motion duly moved and seconded to move the by-laws back to Council for third and final reading shall be in order.
- 15.7 Once the by-laws have been adopted, the by-laws shall be signed by the Mayor/Chair and the Clerk, and the corporate seal shall be affixed to every by-law duly passed.
- 15.8 Notwithstanding the foregoing, when the requirements of any Provincial legislation requires that notification be given of Council's intention to enact a by-law, the Chair shall notify persons who are present at the meeting that they may make representation on the proposed by-law during consideration of the by-law in Committee of the Whole.

PART 16 – PETITIONS

- 16.1 Petitions from residents requesting Council to consider the introduction, expansion, enhancement, restoration, reduction, alteration or cessation of a service or program of the City of Windsor, may be introduced by a member of Council.
- 16.2 A motion directing receipt of the petition and report on the action requested along with a time line for completion of the report shall be in order.

PART 17 – QUESTION PERIOD

- 17.1 Members of Council shall be governed by the following rules during regular council meetings:
- a) Each Member shall be limited to 5 minutes
 - b) Each Member shall submit their questions to the Clerk in writing at the time of raising the question (to avoid any misrepresentation or misinterpretation)
 - c) The Member shall indicate the timeline and the proposed method of response (verbal response to the Executive Committee/letter/memo/formal report/e-mail), and each proposed council question shall be put to a vote.
 - d) The Clerk shall compile the questions submitted by Council Members at the Council meeting and re-direct those questions to the appropriate members of the administration.
 - e) Questions may be of general municipal concern; policy related; or ward specific in nature.
 - f) Where in the opinion of the Chief Administrative Officer, significant resources are required to answer a Council Question, the CAO shall bring this to Council's attention together with a cost estimate of the resources required, all for Council's consideration

PART 18 – STATEMENTS BY COUNCIL MEMBERS

- 18.1 Members of Council shall be governed by the following rules:
- a) Each Council Member shall be limited to 3 minutes
 - b) Statements shall be non-controversial in nature
 - c) Statements shall be intended for the purpose of sharing information about events/activities/community functions and general work of Council Members on behalf of their Council colleagues, constituents and the community.

PART 19—MEMBERSHIP

- 19.1 All members of Council are members of the Executive Standing Committee
The following Standing Committees shall be comprised as follows:
- Planning Standing Committee--5 members of Council plus members at large as appointed by Council from time to time.
 - Economic Development Standing Committee--5 members of Council
 - Social Development, Health & Culture Standing Committee--5 members of Council
 - Public Safety Standing Committee--5 members of Council
 - Environment & Transportation Standing Committee--5 members of Council
- 19.2 The Mayor is ex-officio to all Standing Committees with the exception of the Executive Committee. As ex-officio, the Mayor has no voting privileges at the Standing Committees.
- 19.3 A member of Council who is not a member of a Standing Committee is entitled to attend and participate at any Committee meetings, subject to Subsection 19.4.
- 19.4 A member of Council who is not a member of a Standing Committee, at a meeting of the Committee shall:
- a) not be counted in determining the presence or number for quorum; and
 - b) not move any motion or vote on any matter

PART 20—STANDING COMMITTEES

- 20.1 Each standing Committee shall meet as soon as possible after the Inaugural Meeting of Council and/or in November each subsequent calendar year to formulate its recommendations about a Chair and Vice Chair from its membership for a term commencing December 1st and terminating November 30th of the following year or until a successor is appointed. The Chair of any Standing Committee may be removed by a majority vote of the members of the committee or by Council as a whole.
- 20.2 Standing Committee Agenda**
The Clerk, in conjunction with the Standing Committee Chair and the member of the Corporate Leadership Team appointed as principal advisor, shall have prepared for the members of Standing Committees the Order of Business which may include but not be limited to the following:
- a) Call to Order
 - b) Declaration of Pecuniary Interest and the general nature thereof.
 - c) Consideration of Business Items
 - d) Presentations and Delegations
 - e) Adjournment
- 20.3 Rules of Procedure for Standing Committee**
The rules governing the procedure of Council shall be observed in the Standing or special purpose committees.
- 20.4 General Provisions for Standing Committees**
- a) The Chair shall preside; in the absence of the Chair, the Vice-Chair shall preside;
 - b) Committees shall consider and report on such matters only as have been referred to them by the Council or such matters as come within their mandate;
 - c) Each Standing Committee shall diligently pursue its duties within its mandate and shall report to Council on every matter and question coming before it;
 - d) All recommendations of Standing Committees, whether approving, amending or rejecting the administrative recommendation shall be submitted to Council in the form of a Committee Report for consideration by Council;
 - e) Where a matter is submitted to a Standing Committee for action and the Standing Committee determines to only receive such matter, such matter shall be submitted to Council for information;
 - f) Where a matter is submitted to a Standing Committee and no decision is made by the Standing Committee or no recommendation is made by the Standing Committee as a result of a tie vote, the recommendation to Council shall be that Council consider the matter.
 - g) Standing Committees shall issue an annual report on the status of the recommendations and activities of their respective Advisory Committees.
 - h) Chairs of each agency/board/commission or corporation shall be requested to annually present to their respective Standing Committee on the direction of their organization. This is not to be seen as a reporting requirement but rather a way of improving communication and transparency in the governing of the City.

PART 21 – COMMITTEES OF COUNCIL

- 21.1 Council may from time to time establish a special Committee of Council/Advisory Committee or Task Force in response to specific issues requiring immediate or long term

- attention, subject to the requirement of an administrative report, along with existing advisory committee input and community consultation.
- 21.2 If additional public engagement is required for an issue, a Task Force shall be appointed by Council with a specific term and mandate. Council shall only consider a Task Force after it has received a formal report from administration.
 - 21.3 Advisory Committees are required to report to their respective Standing Committee in either oral or written form, bi-annually so that the Advisory Committees are accountable for their performance.
 - 21.4 Standard meeting schedules shall be adopted for the Advisory Committees so that there is predictability in the deliberation of Public Policy.
 - 21.5 The Clerk's Department shall deliver basic training in governance and municipal environment to all committees of Council.
 - 21.6 Advisory Committees shall prepare annual business plans and budget submissions should they require funding or additional resources for their activities. In the event that the funds are not fully utilized at year end they would be zeroed and any new funding would be determined on the strength of the annual budget submission.
 - 21.7 Advisory committee members shall receive no compensation for their service on the City's Advisory Committees. Expenses incurred in the conduct of their role as a committee member shall be considered in accordance with the City's Travel and Business Expense Policy.

PART 22 –STRIKING COMMITTEE

- 22.1 All members of Council shall meet as a Striking Committee as soon as convenient after the inaugural meeting of Council to make recommendations on the appointment of members to the various Council Committees, and other Boards, Commissions and Agencies, in accordance with the City of Windsor Council Appointment Policy attached as Appendix "C".
- 22.2 Appointment of members to the various Committees, Boards, Commissions and Agencies may be for any duration up to and including the full term of the Council, or until their successors are appointed.

PART 23 - ROLE OF THE COUNCIL

- 23.1 The powers of a municipality shall be exercised by its Council as follows:
 - a) to represent the public and to consider the well-being and consider the interests of the municipality;
 - b) to develop and evaluate the policies and programs of the municipality;
 - c) to determine which services the municipality provides;
 - d) to ensure that administrative policies, practices and procedures and controllership of policies, practices and procedures are in place to implement the decisions of Council;
 - e) to ensure the accountability and transparency of the operations of the Municipality, including the activities of the senior management of the municipality;
 - f) to maintain the financial integrity of the Municipality and to oversee the financial affairs and delivery of municipal services through the adoption of policies and budget control guidelines and to ensure that appropriate audit procedures and monitoring programs are in effect;
 - g) Subject to legislative restrictions, develop regulations to be adopted in by-laws and resolutions for the overall benefit of the community;
 - h) Appoint statutory officers and senior officials to ensure that an appropriate management system is in place to administer the City within the adopted policies of Council;
 - i) To collectively oversee the administrative functions as carried out by appointed officials within delegated authority and the policies adopted by Council;
 - j) To be prepared to attend regular and special meetings of Council and committees to which a Member has been appointed by Council and to participate in the development and adoption of policies and directions for the City of Windsor;
 - k) To collectively arbitrate matters where the procedural by-law is silent and the matter is placed before the Council for disposition;
 - l) Council Members shall be guided by the Code of Conduct as outlined in Appendix "B".

PART 24 – ROLE OF THE MAYOR

- 24.1 In addition to the responsibilities of Council as outlined in Part 23 of this by-law, it is the role of the head of Council:
 - a) to act as Chief Executive Officer of the municipality;
 - b) to preside over council meetings so that its business can be carried out efficiently and effectively;
 - c) to provide leadership to council, and to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1) of *The Municipal Act S. 224 Part VI*;

- d) to represent the municipality at official functions; and
- e) to carry out the duties of the head of council under the Municipal Act 2001 Part VI
- f) the Mayor shall act as Council's representative when dealing with other levels of government, their agencies and the private sector
- g) the Mayor shall be the official spokesperson on matters discussed in closed meetings of Council until such time as those matters have been ratified at an open Council meeting.
- h) the Mayor shall be designated as the Head of the Corporation for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*.
- i) from time to time the Mayor may be absent from the City of Windsor or may be absent from office through illness. In such instances, it is desirable to have an alternate designated to act in the place of the Mayor. The Clerk shall prepare a by-law for the first regular meeting of Council after the inaugural meeting, listing a monthly rotation of the Members of Council to act in the absence of the Mayor for the duration of the term of the Council.

PART 25 – ROLE OF THE CHIEF ADMINISTRATIVE OFFICER

- 25.1 The Chief administrative officer is:
- a) appointed by by-law;
 - b) responsible for exercising general control in management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the Municipality;
 - c) responsible for performing such other duties as are assigned by the Municipality;
 - d) responsible for coordinating all reports and recommendations of senior management.

PART 26 – ROLE OF MUNICIPAL ADMINISTRATION

- 26.1 Each Corporate Leadership Team member and Senior Management Team member shall act in accordance with any applicable statutory and/or professional duties.
- 26.2 Each Corporate Leadership Team member and Senior Management Team member shall be responsible to and subject to direction by the Chief Administrative Officer.
- 26.3 Implement decisions of Council and establish administrative practices and procedures to carry out those decisions.
- 26.4 Undertake research and provide advice to council on the policies and programs of the municipality.

PART 27 – ROLE OF THE CLERK

- 27.1 A municipality shall appoint a clerk whose duty it is:
- a) to record without note or comment, all resolutions, decisions and other proceedings of the council;
 - b) required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
 - c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of the council;
 - d) to perform the other duties required under the *Municipal Act 2001 S. 228* or under any other Act;
 - e) to perform such other duties as are assigned by the municipality;
 - f) the Clerk shall make available the Regular and Standing Committee Agendas to the public and media following distribution of those agendas to members of Council, subject to Section 4.3 respecting provision of reports to affected parties;
 - g) the Clerk may prepare the agenda in electronic format;
 - h) the Clerk, in consultation with the Chief Administrative Officer and Corporate Leadership Team members and Senior Management Team members, shall ensure that administrative processes relative to the agenda preparation and distribution are comprehensive, efficient and cost-effective;
 - i) the Clerk shall attend or assign a designate to attend all meetings of Council and the Committees of Council and any special purpose committees of the Council;
 - j) the Clerk shall forward a copy of all decisions, resolutions and directions of Council to the appropriate members of administration, public, other agencies, boards, committees and governments;
 - k) the Clerk shall make such minor clerical, typographical or grammatical corrections in form to any by-law, motion, resolution and/or minutes as may be required for the purpose of ensuring correct and complete implementation of the actions of Council;
 - l) the Clerk shall present housekeeping by-laws directly to Council for:
 - i) the appointment of staff for municipal law enforcement and Provincial Offences administration
 - ii) consolidation of by-laws for housekeeping amendments
 - iii) minor amendments resulting from changes to Provincial enabling legislation;

- m) the Clerk shall present an annual meeting calendar in November for consideration by Council for the meeting schedule for the next year;
- n) the Clerk shall facilitate the efficient management of the Council meetings by determining the suitability and eligibility of delegations on the basis of the presentation subject and/or request for action/support by Council;
- o) the Clerk shall maintain audio recordings of regular public Council proceedings for a period of three months and DVD's of regular public Council proceedings for a period of 24 months, where technically possible. These recordings are not intended to replace the official public record/minutes as adopted by Council in accordance with the *Municipal Act 2001*;
- p) the Clerk shall be deemed to be a municipal officer in accordance with the *Municipal Act and the Municipal Freedom of Information and Protection of Privacy Act*, and for any other purposes as required;
- q) The Clerk shall issue a mandate letter on behalf of the Mayor to each Advisory Committee at the beginning of each term of office. These letters should detail the City's strategic direction for the next term of office and the role of the Advisory Committees in helping Council achieve its strategic objectives.
- r) The Clerk shall prepare a report each year on the performance of the Advisory Committees. Reported measures should include:
 - i) Number of reports to Council or its Standing Committees
 - ii) Number of meetings held with quorum
 - iii) Length of Committee meetings
 - iv) Annual budget
 - v) Number of recommendations endorsed by Council/Standing Committees

PART 28 – EFFECTIVE DATE

- 28.1 That By-law Number 7914 and all subsequent amendments thereto (By-laws Numbered 7978, 9341, 10255, 11243, 12093, 304-1998 170-1999, 420-2001, 381-2002, 185-2005, 10-2006) be repealed effective May 31, 2011.
- 28.2 This by-law shall come into force and take effect on the 1st day of June, 2011.

EDDIE FRANCIS, MAYOR

CLERK

First Reading - June 7, 2011
 Second Reading - June 7, 2011
 Third Reading - June 7, 2011

Appendix —A

CIVIC RECOGNITION AWARDS PRESENTED BY THE MAYOR AND COUNCIL

Program Purpose:

The purpose of Civic Recognition Awards is to recognize Windsor residents who bring positive recognition to the City through individual or team initiatives.

Nominations:

Nominations may be made by any individual or group to the Clerk's Office within three months of the achievement.

Approvals:

Nominations will be reviewed by Clerk's staff to ensure that nominated individual(s) or group(s) meet the program criteria. Those nominations that meet the program criteria will be forwarded to the Mayor and Council for approval to recognize the individual(s) or group(s) at an appropriate council meeting.

Award Criteria

Individual Citation

A Windsor resident who wins an athletic, cultural*, educational, scientific competition championship recognized by a sanctioning body, which is a provincial, national, or international title.

Team Citation

A Windsor resident team or group, or a Windsor resident who is a member of a team or group located outside of Windsor who wins an athletic, cultural*, educational or scientific competition championship event, recognized by a sanctioning body, which is a provincial, national, or international title.

Citation

A Windsor resident, or residents, who individually or collectively, through honourable endeavours, assist or benefit other individual(s) thereby bringing favourable publicity and honour to the City of Windsor provincially, nationally or internationally.

**Culture* is defined as follows: "including all artistic disciplines – theatre, music, visual and creative arts, folk arts, dance and literature; heritage activities including history, architecture, archaeology, ethnology, natural heritage, archive/library and man-made material heritage (artifacts) as they relate to the aforementioned arts. Heritage issues that go beyond the scope of artistic disciplines are not included. The term „culture“ is not used to imply „multi-cultural“."

Method of Recognition:

Award recipients will be presented with a personalized certificate of recognition signed by the Mayor.

Presentation:

Awards are to be presented at a Council meeting. The Mayor will give introductory remarks about the award recipient(s) and their respective achievements that are being recognized and individually present the certificates to the award recipient(s).

Appendix —B

CODE OF CONDUCT FOR MEMBERS OF COUNCIL

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PREAMBLE:

Improving the quality of public administration and governance can be achieved by encouraging high standards of conduct on the part of all government officials. In particular, the public is entitled to expect the highest standards of conduct from the members that it elects to local government. In turn, adherence to these standards will protect and maintain the City of Windsor's reputation and integrity.

To these ends, in 2001, as part of the adoption of the new Procedure By-law for the City of Windsor (By-law 420-2001), 9th the "Procedure By-law") Council adopted the *Code of Conduct for Members of Council*. Recent amendments to the *Municipal Act*, S.O. 2001, c.25, as amended, (the "Municipal Act"), mandate that a municipality must institute a policy with respect to Accountability & Transparency and further, provides tools and mechanisms which municipalities may utilize in implementing such a policy, including allowing for the establishment of a Code of Conduct for Council Members and the enforcement of the same. In response to this requirement, the City has revised and updated the original *Code of Conduct*. It is intended to supplement and be compatible with the laws governing the conduct of members.

The key statements of principle that underline the *Code of Conduct* are as follows:

- Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner;
- Members of Council should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both apparent and real;
- Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and
- Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the City Council.

I. STATUTORY PROVISIONS REGULATING CONDUCT:

This *Code of Conduct* operates along with and as a supplement to the existing statutes governing the conduct of members. Four pieces of provincial legislation govern the conduct of members of Council:

- the *Municipal Act*,
- the *Municipal Conflict of Interest Act*;
- the *Municipal Elections Act, 1996*; and
- the *Municipal Freedom of Information and Protection of Privacy Act*.

The *Criminal Code* of Canada also governs the conduct of members of Council.

II. APPLICATION:

This *Code of Conduct* applies to all members of Council (including the Mayor).

This *Code of Conduct* also applies, subject to any necessary modification, to Council appointments to local boards as defined in section 1(1) of the *Municipal Act*, and to all other appointments to City committees, agencies, boards and commissions.

(The provisions of the *Municipal Conflict of Interest Act* also apply to local boards, as defined in that Act, with decision-making power).

III. **DEFINITIONS:**

In the *Code of Conduct*, the terms “child”, “parent” and “spouse” have the same meanings as in the *Municipal Conflict of Interest Act*:

“child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;

“lobbyist” means persons paid by another company or individual to advance their interests, either personal or professional, including but not limited to consultants paid to lobby on behalf of a client, in-house lobbyists employed by persons, corporations or partnerships that carry on commercial activities for financial gain and in-house lobbyists employed by non-commercial organizations such as advocacy groups and industry, professional and charitable organizations. “parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;

“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage

IV. **COUNCIL REMUNERATION**

Every Councillor shall, on an annual basis, publicly disclose all remuneration paid to him or her as a result of being elected as a Member of Council including all amounts earned in connection with sitting on any and all Agencies, Boards, Commissions and Council Committees to which they are appointed by virtue of being Members of Council.

V. **GIFTS AND BENEFITS:**

No Member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of Office, unless permitted by the exceptions listed below.

For these purposes, a fee or advance paid to or a gift or benefit provided with the member’s knowledge to a member’s spouse, child, or parent, or to a member’s staff that is connected directly or indirectly to the performance of the member’s duties is deemed to be a gift to that member.

The following are recognized as exceptions:

- a) compensation authorized by law;
- b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- c) a political contribution otherwise reported by law;
- d) services provided without compensation by persons volunteering their time;
- e) a suitable memento of a function honouring the member;
- f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country;
- g) food and beverages consumed at banquets, receptions or similar events, if:
 1. attendance serves a legitimate business purpose;
 2. the person extending the invitation or a representative of the organization is in attendance; and
 3. the value is reasonable and the invitations infrequent; and
- h) communication to the offices of a member, including subscriptions to newspapers and periodicals.

Except for category (c), these exceptions do not apply to lobbyists. Lobbyists are not permitted to make a gift or provide a benefit under this provision unless it is a political contribution permitted by law.

In the case of categories (b), (e), (f), (g), and (h), if the value of the gift or benefit exceeds \$200, or if the total value received from any one source during the course of a calendar year exceeds \$200, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the Integrity Commissioner.

The disclosure statement must indicate

1. the nature of the gift or benefit;
2. its source and date of receipt;
3. the circumstances under which it was given or received;
4. its estimated value;
5. what the recipient intends to do with any gift; and
6. whether any gift will at any point be left with the City.

Any disclosure statement will be a matter of public record.

On receiving a disclosure statement, the Integrity Commissioner shall examine it to ascertain whether the receipt of the gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the member. In the event that the Integrity Commissioner makes that preliminary determination, he or she shall call upon the member to justify receipt of the gift or benefit.

Should the Integrity Commissioner determine that receipt was inappropriate, he or she may direct the member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the City.

Except in the case of category (f), a member may not accept a gift or benefit worth in excess of \$500 or gifts and benefits from one source during a calendar year worth in excess of \$500.

VI. CONFIDENTIAL INFORMATION:

Confidential information includes information in the possession of the City that the City is either prohibited from disclosing, or is required to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), or other legislation. Generally, MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.

The *Municipal Act*, allows information that concerns personnel, labour relations, litigation, property acquisitions, the security of the property of the City or a local board, and matters authorized in other legislation, to remain confidential. For the purposes of the *Code of Conduct*, “confidential information” also includes this type of information.

No member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.

Nor shall members use confidential information for personal or private gain, or for the gain of relatives or any person or corporation. As one example, no member should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.

Under the *Procedure By-law*, a matter that has been discussed at an in-camera (closed) meeting remains confidential. No member shall disclose the content of any such matter, or the substance of deliberations, of the in camera meeting until the Council or committee discusses the information at a meeting that is open to the public or releases the information to the public.

The following are examples of the types of information that a member of Council must keep confidential:

- items under litigation, negotiation, or personnel matters;
- information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence);
- price schedules in contract tender or Request For Proposal submissions if so specified;
- information deemed to be “personal information” under the *Municipal Conflict of Interest Act*; and
- statistical data required by law not to be released (e.g. certain census or assessment data).

Members of Council should not access or attempt to gain access to confidential information in the custody of the City unless it is necessary for the performance of their duties and not prohibited by Council policy.

VII. USE OF CITY PROPERTY, SERVICES AND OTHER RESOURCES:

No member of Council should use, or permit the use of City land, facilities, equipment, supplies, services, staff or other resources (for example, City-owned materials, web sites, Council transportation delivery services and Councillor global budgets) for activities other than the business of the Corporation. Nor should any member obtain financial gain from the use or sale of City-developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the City.

VIII. ELECTION CAMPAIGN WORK:

Members are required to follow the provisions of the *Municipal Elections Act, 1996*. No member shall use the facilities, equipment, supplies, services or other resources of the City (including Councillor newsletters and websites linked through the City’s website) for any election campaign or campaign-related activities. No member shall undertake campaign-related activities on City property during regular working hours. No member shall use the services of persons during hours in which those persons receive any compensation from the City.

IX. IMPROPER USE OF INFLUENCE:

No member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.

Examples of prohibited conduct are the use of one’s status as a member of Council to improperly influence the decision of another person to the private advantage of oneself, or one’s parents, children or spouse, staff members, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member’s supposed influence within Council in return for present actions or inaction.

For the purposes of this provision:

“private advantage” does not include a matter:

- a) that is of general application;

- b) that affects a member of Council, his or her parents, children or spouse, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or
- c) that concerns the remuneration or benefits of a member of Council.

X. BUSINESS RELATIONS:

No member shall act as a paid agent before Council, its committees, or an agency, board or commission of the City except in compliance with the terms of the *Municipal Conflict of Interest Act*.

A member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

XI. CONDUCT RESPECTING CURRENT AND PROSPECTIVE EMPLOYMENT:

No member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the City.

XII. CONDUCT AT COUNCIL:

Members shall conduct themselves with decorum at Council in accordance with the provisions of the *Procedure By-law*.

XIII. CONDUCT RESPECTING STAFF:

Only Council as a whole has the authority to approve budget, policy, Committee processes and other such matters. Accordingly, members shall direct requests outside of Council-approved budget, process or policy, to the appropriate Committee of Council.

Under the direction of the Chief Administrative Officer, staff serves the Council as a whole, and the combined interests of all members as evidenced through the decision of Council. Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council. Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of the City.

No member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any member use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

In practical terms, there are distinct and specialized roles carried out by Council as a whole and by Councillors when performing their other roles. The key requirements of these roles are captured in the Schedule to the *Code of Conduct* and include dealing with constituents and the general public, participating as Council Committee members, participating as Chairs of Council Committees, and participating as Council representatives on agencies, boards, commissions and other bodies. Similarly, there are distinct and specialized roles expected of City staff in both the carrying out of their responsibilities and in dealing with Council.

XIV. MANDATORY WARD MEETINGS:

There shall be, on an annual basis, a minimum of two (2) Ward Meetings held per Electoral Ward and the Councillors representing each ward shall work together to schedule and chair said meetings.

XV. INCORPORATION OF BELLAMY INQUIRY RECOMMENDATIONS

The recommendations made by Madame Justice Bellamy with respect to Ethics as a result of the “City of Toronto External Contracts Inquiry” as set out in Appendix B to this Code of Conduct are hereby incorporated by reference and shall form part of this Code of Conduct except that those recommendations pertaining to the Integrity Commissioner, Gifts and Gifts Registry shall be guidelines only and specific provisions contained in this Code of Conduct with respect to the same shall govern.

XVI. DISCREDITABLE CONDUCT:

All members of Council have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment. The *Ontario Human Rights Code* applies, as does the City of Windsor *Workplace Violence & Harassment Policy, dated September 24, 2004*.

XVII. FAILURE TO ADHERE TO COUNCIL POLICIES AND PROCEDURES:

A number of the provisions of this Code of Conduct incorporate policies and procedures adopted by Council. More generally, members of Council are required to observe the terms of all policies and procedures established by City Council.

This provision does not prevent a member of Council from requesting that Council grant an exemption from a policy.

XVIII. REPRISALS AND OBSTRUCTION:

Members of Council should respect the integrity of the *Code of Conduct* and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner is therefore prohibited. It is also a violation of the *Code of Conduct* to obstruct the Integrity Commissioner in the carrying out of her or his responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications.

XIX. ACTING ON ADVICE OF INTEGRITY COMMISSIONER:

Any written advice given by the Integrity Commissioner to a member binds the Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter as long as all the relevant facts known to the member were disclosed to the Integrity Commissioner.

XX. COMPLIANCE WITH THE CODE OF CONDUCT:

Members of Council are accountable to the public through the four-year election process. Between elections they may, for example, become disqualified and lose their seat if convicted of an offence under the *Criminal Code* of Canada or for failing to declare a conflict of personal interest under the *Municipal Conflict of Interest Act*.

In addition, subsection 223.3 (5) of the *Municipal Act, supra*, authorizes Council to impose either of two penalties on a member of Council or a local board following a report by the Integrity Commissioner that, in her or his opinion, there has been a violation of the *Code of Conduct*:

- a) A reprimand; or
- b) Suspension of the remuneration paid to the member in respect of his or her services as a member of council or the local board, as the case may be, for a period of up to 90 days.

Other Actions:

The Integrity Commissioner may also recommend that Council or a local board take the following actions:

- a) Removal from membership of a Committee or local board.
- b) Removal as Chair of a Committee or local board.
- c) Repayment or reimbursement of moneys received.
- d) Return of property or reimbursement of its value.
- e) A request for an apology to Council, the complainant, or both.

**SCHEDULE —AI TO THE CODE OF CONDUCT
ROLES AND RESPONSIBILITIES OF THE COUNCIL MEMBERS AND STAFF**

Members of Council and staff of the City are both servants of the public and they are indispensable to one another. The Council directs the business of the City and passes by-laws, or resolutions as appropriate, for decisions adopted by Council.

Council has delegated responsibility to the Chief Administrative Officer for the administration of the affairs of the City in accordance with the by-laws adopted. This means that under the direction of the CAO, staff have the responsibility and the authority to provide consultation, advice and direction to Council and to implement Council approved policy. Accordingly, staff establish the appropriate administrative directives, procedures, systems, structures and internal controls to implement the goals and objectives of Council, and to manage implementation within the resources at their disposal.

The Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.

1. The Whole Council, for example:

- a. exercises the authority delegated by the provincial legislature to the municipality and does not possess authority separate to that derived from provincial statute;
- b. is the legislative arm of the municipality and makes laws, determines property taxation levels, allocates expenditures and holds civic staff accountable by providing them with direction, assigning resources and monitoring policy decisions as implemented by staff;
- c. must have a quorum in order to vote to amend or enact by-laws;
- d. in a Committee-of-the-Whole meets as a general Committee to discuss and vote on which recommendations shall be forwarded to Council for subsequent decision;
- e. may sub-delegate administrative authority where the delegation does not entail power to determine or adjudicate rights; make policy; or take legislative action;
- f. receives all reports of all Standing Committees and other designated bodies for their acceptance, amendment, deferral or referral as the Council deems appropriate;
- g. holds regular and special meetings of Council in open session; a Committee-of-the-Whole meeting in open or closed session for legal, personnel or property matters of a sensitive nature; and
- h. may not amend or pass any by-law where Council meets as a Committee-of-the-Whole;

- i. follows the procedures it establishes in the Council Procedural By-law.
2. The Mayor, for example:
- a. Is the Chief Executive Officer of the Municipality;
 - b. Carries out the duties of the head of council under the *Municipal Act* or any other Act;
 - c. sees that the laws for the government of the Corporation are duly executed and obeyed;
 - d. oversees the conduct of the subordinate officers in the government and administration and sees that all proven negligence, carelessness and violation of duty are dealt with;
 - e. communicates information and recommendations to the Council from time to time that will tend to the improvement of the government;
 - f. presides at all meetings of Council and ensures that all proceedings and conduct are enacted in accordance with the Procedural By-law so that the business of Council can be carried out efficiently and effectively;
 - g. may summon a special meeting of the Council within a specified time period, as well as when requested to do so in writing by a majority of members;
 - h. represents the views and interest of the City, its residents and taxpayers at a variety of official, public, ceremonial and intergovernmental events; and
 - i. signs all By-laws and may sign debentures and promissory notes on behalf of the municipality
3. Committees of Council, as a Whole, for example:
- a. request reports as required to aid in their decisions on recommendations to Council;
 - b. report and make recommendations to Council on policy matters referred to them;
 - c. provide access to public communication and deputation on matters within their purview;
 - d. examine all accounts connected with discharging its duties or under its supervision in accordance with the Procedural By-law, the Purchasing By-law and other by-laws; and
4. Council Committee Chairs, for example:
- a. review, identify and prepare agenda items and priorities with Department Heads and the Office of the Clerk's as appropriate;
 - b. ensure program policies and priorities are established by the Committee;
 - c. are often called upon at Council to answer questions on Committee recommendations;
 - d. conduct meetings, provide direction, ensure fair and open discussion of agenda items in accordance with established procedures (Procedural By-law);
 - e. may call special meetings of the Committee when the Chair or members feel it is necessary to do so;
5. Council Members on Agencies, Boards and Commissions, generally:
- a. perform as part of a Board, most of the same roles as Standing Committees;
 - b. balance their role as the custodian of the City's tax dollars and representative of Council policies, with that of their fiduciary and other duties as a Board member;
 - c. provide specialized advice and expertise to aid in decision-making; and
 - d. provide an essential link between the body and Council such that Council positions can be conveyed to the body and vice-versa.
6. Staff of the City, for example:
- a. provide timely and useful advice to Council and its Committees;
 - b. carry out specific directives, motions and policies approved or delegated to them by the Council;
 - c. follow the intent of Council directions;
 - d. alert Council to legal limitations of proposals, or changes in legislation, or unintended impacts of decisions;
 - e. administer the organization and are responsible for day-to-day tasks in operations management;
 - f. recommend policies, programs and budgets to Standing Committees and Council;
 - g. respond to public inquiries and advise on Council approved policies;
 - h. use allocated resources appropriately;
 - i. stay informed and up to-date;
 - j. undertake research and report on findings;

- k. evaluate staff assigned and correct any performance as required; and
- l. encourage the development of all staff under their supervision.

7. Councillors Generally, for example:

- a. represent the views of the public and exercise judgment to make decisions on behalf of them;
- b. respond to resident inquiries or refer such inquiries to appropriate staff or other organizations and generally provide assistance to constituents;
- c. participate in Council meetings and undertake the activities within the authority, operations and procedures of Council as outlined in (a) above;
- d. choose among alternatives and reconcile conflict among competing priorities;
- e. stay informed and keep up to-date;
- f. in Council, correct deficiencies in the system; and
- g. in Council, determine the overall system and structure of the Corporation.

Schedule —BII to the Code of Conduct —

City of Windsor Council-Staff Protocol (Revised, January 29, 2007)

Purpose

The City of Windsor's Council-Staff Protocol sets out guidelines and ground rules for the effective interaction of City Council and staff members in the governing and management of the municipality.

Scope

This Council-Staff Protocol applies to all members of City Council and City staff, and members of boards and staff of related agencies, boards, and commissions.

Role clarification and sensitivity to the difference between the roles played by Council and staff members are fundamental to the success of our working relationships. Both Council and staff members have a responsibility to understand their role and follow the Council-Staff Protocol accordingly. Both Council and staff members are expected to enhance public education by providing context and process information about decision-making. Council and staff are required to work together towards policy development and implementation while understanding the various roles and expectations necessary for a highly effective working relationship.

Council and Administration will review the Council-Staff Protocol at the beginning of each new term of Council (at least once every four years) and incorporate any necessary amendments.

Respect

Council and staff operate within a very complex environment. Therefore some flexibility is required. Maintaining mutual respect between City staff and Council members is the only way to foster highly effective working relationships. Defining roles and expectations in advance helps achieve effective relationships that are equitable and without favouritism. Council and staff members demonstrate respect by refraining from expressing criticism of each other in public or through public communications regardless of the medium.

Core Values

Integrity/Ethics; Accountability/Responsibility; Service/Service Quality; Trust; and Leadership are the highest values held by Councillors and Staff. These values will be reflected in policy decisions, policy implementation and will form a vital part of the City of Windsor's everyday operations.

Both Council and Staff Members are expected to:

- Demonstrate commitment to communication and consultation among ourselves and with the general public.
- Show leadership, relying on our knowledge and judgment, and respond based upon our areas of expertise.
- Maintain confidentiality at in-camera, committee and other meetings.

Council is expected to:

- Govern and provide/set clear political direction.
- Establish the municipality's vision and goals, and define needs and outcomes to be achieved through empowerment and effective staff performance.
- Act as a whole in developing policy.
- Respond to constituent concerns, keep City staff members informed, be open to discussion and ask for clarification when needed.

- Understand that individual Council members represent Council as a whole in the eyes of the public and staff members. Council members have a responsibility to bring controversial decisions back to the whole Council.
- Refrain from providing individual direction to the Chief Administrative Officer to initiate any action or prepare any report of a significant nature, or initiate any project or study without the consent of the entire Council.
- Ask questions of staff members prior to the public meetings whenever possible.
- Refrain from attempting on an individual basis to change or interfere with the operations and practices of any City department. Any questions or concerns related to operating rules and practices should be directed to the Executive Director of the department and any service requests should be directed to 311;
- Be sensitive to staff workload and resources.
- Refrain from using administrative resources for political/personal purposes.
- Refrain from micro-managing.
- Be open-minded, supportive; staff are fallible.
- Praise publicly and criticize privately.
- Respect administrative expertise; show respect.

Staff is expected to:

- Adhere to current Council approved policy.
- Accept that Council sets the agenda; refrain from directly or indirectly lobbying Council.
- Changes to policy should be formalized through reports to City Council. Keep Council informed and do not to blind side them (no surprises).
- Respect the limitations of the time of Council members.
- Be respectful and patient; don't point fingers of blame toward City Council.
- Provide factual, clear, timely and professional advice based upon professional judgment but also include a range of options where applicable.
- Respect Council's political decisions and refrain from making public any personal comments related to those decisions.
- Address Council questions on a timely basis and seek clarification when necessary and where appropriate.

SCHEDULE "C"

Bellamy Inquiry Recommendations – Ethics:

Codes of Conduct: General Principles

1. The City should expand its current code of conduct for councillors and its conflict of interest policy for staff to include broader ethical considerations.
2. The codes of conduct should go beyond the minimum standards of behaviour and set out the highest ideals and values toward which all public servants should be working.
3. The codes of conduct should be written in plain language that can be understood by all public servants as well as by the public.
4. The codes of conduct should reflect the difference in the roles of councillors and staff without setting different ethical standards.
5. Political staff should be required to adhere to the same ethical guidelines that apply to councillors and City staff. Councillors should have their staff execute an agreement to abide by the City's codes of conduct.

Hiring

6. The City's hiring processes should include appropriate questions designed to elicit some perspective on the ethics of applicants. Applicants' responses to the ethics questions should then be considered prominently in hiring decisions.

7. New City employees should receive immediate training on the ethical dimensions of their particular work.

Training, Ongoing Education, and Monitoring

8. Training on codes of conduct should be mandatory for all City staff and councillors.
9. The City's internal newsletter, *Inside Toronto*, should feature a regular column on ethics and a question-and-answer section where ethical concerns from staff are addressed anonymously.
10. Subject to collective bargaining restraints, all staff and councillors should be required to sign an annual declaration that they are aware of the codes of conduct, are versed in them, and will uphold them.
11. Staff and councillors should meet regularly with their co-workers or colleagues to discuss work-related ethical issues.
12. Staff and councillors should be encouraged to discuss ethical issues that arise from time to time with peers, managers, or the integrity commissioner.
13. The City's codes of conduct should be monitored vigilantly to ensure that they provide appropriate guidance. Change should be made promptly when necessary.
14. The City should promote awareness of the codes among all councillors and staff and provide guidance in complying with the codes.

Relations between Councillors and Staff

15. Both elected officials and staff should understand and honour their respective roles and responsibilities, act only within them, and never blur the distinction.
16. The Mayor in Council meetings, a committee chair, or anyone else in a formal or informal leadership role should immediately intervene in instances of uncivil behaviour and politely remind the person responsible of his or her duty to be civil.
17. Councillors should not ask staff to perform personal services for them.
18. Councillors should not attempt to influence staff behaviour by direct or indirect coercion of any kind, including intimidation, bullying, or alluding to future promotion or employment prospects.
19. Councillors should not ask staff to engage in partisan political activities for them.

Conflict of Interest and Apparent Conflict of Interest

20. Rules about conflicts of interest and apparent conflicts of interest should form part of the City's codes of conduct.
21. Councillors and staff should be made aware that it is unacceptable for them to act on a matter in which they have either a real or an apparent conflict of interest.
22. Councillors and staff should take steps to avoid as best they can both real and apparent conflicts of interest. For assistance, they should seek the guidance of the office of the integrity commissioner.

Some Specific Conflicts of Interest

23. Councillors and staff should not use their positions to further their private interests.
24. Councillors and staff should not concurrently accept employment by an outside interest that is either incompatible with or in conflict with their official duties.
25. Councillors and staff should not ask other City employees to perform work that is unrelated to City business during office hours.
26. Councillors and staff should not divulge confidential information to those not entitled to it.
27. Councillors and staff should not access confidential information if not required to do so for work purposes.

28. Recently departed City employees should not promote themselves as having otherwise unavailable access to City information, processes, or decision-makers.
29. Former councillors and City staff should not accept employment in which they would be dealing with matters or files that they worked on while at the City.

Preferential Treatment

30. Elected officials and staff should take all necessary steps to avoid preferential treatment or the appearance of preferential treatment for friends or family.

Disclosure and Recusal

31. Councillors should not vote on any issue at Council or committee that puts them in a real or apparent conflict with their personal finances. They should declare their conflict and recuse themselves.
32. Councillors should recuse themselves from matters that pose a real or apparent conflict with the finances of their spouse, parents, or siblings.
33. Staff should refrain from any involvement in analysis or decision making on an issue in which they have a real or apparent conflict of interest. Conflicts or apparent conflicts should be disclosed to or discussed with the staff member's supervisor.

Integrity Commissioner

34. A full-time integrity or ethics commissioner should be hired.

Appointment and Tenure

35. To ensure that the integrity commissioner has the independence necessary for the job, he or she should report directly to Council, not the Mayor. He or she should serve for a fixed term and should be removable only by a two-thirds vote in Council.

Advice

36. Senior management should investigate, in consultation with the integrity commissioner, the feasibility of establishing "divisional ethics coordinators." These would be point persons in the various City departments to whom staff could turn for department-specific, confidential ethical advice. They would supplement the work of the integrity commissioner locally in the various departments and on the front lines of service delivery.
37. The City should encourage staff and councillors to consult the integrity commissioner when necessary.
38. The integrity commissioner should offer his or her opinions to all members of Council and staff who request it. These opinions should be given in the strictest confidence. However, if a councillor or staff member makes public part of a commissioner's report on a matter, the integrity commissioner should be free to make all of it public in response.
39. Council should consider expanding the role of the current integrity commissioner to allow confidential review of the personal finances of councillors, at their request, so that the commissioner can advise them on potential conflicts of interest.
40. The integrity commissioner should have enough staff to allow councillors and City staff to efficiently seek advice in advance on matters of ethical concern – issues where ethics policies may be violated in letter or spirit.

Complaints, Investigation, and Enforcement

41. Members of the public should be allowed to make complaints to the integrity commissioner. Complaints can be anonymous and need not be in the form of sworn affidavits.
42. To preserve the necessary independence of the office of the integrity commissioner, no elected official should pre-filter complaints to that office.
43. Councillors and staff should not be allowed to withhold their cooperation from investigations by the integrity commissioner.

Sanctions for withholding co-operation should equal the sanctions for ethical breaches, so a clear message is sent that withholding cooperation offers no advantage.

44. To guard against misuse for political purposes of the integrity commissioner's complaint process, the commissioner should be free to dismiss frivolous complaints at the outset, publicly identifying them as such, if appropriate. The commissioner should also be able to identify those who launch bad-faith complaints, and recommend to Council that bad-faith complainants reimburse the City for the expenses of the investigation.
45. The office of the integrity commissioner should have broader investigatory power than it currently has. For example, it should have summons powers.
46. The City should give the integrity commissioner the power to recommend to Council an appropriate range of sanctions for ethical misdeeds by councillors. Sanctions should include public reprimands, public apologies, expulsion from one or more committee meetings, removal from committee posts or committee chair positions, expulsion from one or more Council meetings, or, at the high end of the spectrum, a fine or declaration of a vacancy in the councillor's seat.
47. The City should give the integrity commissioner the power to recommend to Council an appropriate range of sanctions for ethical misdeeds by staff. These should be closely modelled on sanctions allowable under prevailing labour and employment law. To emphasize the importance of ethics within the organization, ethical misconduct should be regarded as among the most serious misconduct, and the sanctions should include the most serious penalties.
48. The integrity commissioner should not have powers to impose sanctions directly. Council should rule within a fixed time on the integrity commissioner's recommendations for sanctions.

Education and Outreach

49. The integrity commissioner should have the mandate and resources to participate actively in the development of ongoing ethical education programs or materials for City staff and councillors. Outreach of this type is an important part of ensuring a strong ethical culture.
50. The integrity commissioner should have a website for education, reference, and outreach purposes. The commissioner's office should also be available to provide advice on ethics training as necessary for both councillors and staff.

Review

51. An external auditor should periodically review the operations of the office of the integrity commissioner.

Gifts, Entertainment, and Other Benefits

52. The City should permit councillors and staff to accept gifts, entertainment, or other benefits of nominal value, except from lobbyists. The definition of nominal value and other criteria for acceptable gifts should be established in consultation with the integrity commissioner.
53. Under no circumstances should staff or councillors accept gifts or benefits of any value from lobbyists.
54. City staff should not accept meals paid for by commercial suppliers.
55. On the occasions when work demands that City staff and commercial suppliers eat together off-site, the City should permit its staff to expense the meals. City staff should not be out of pocket personally for a work expense. Allowing these expenses to be submitted also allows their frequency to be monitored, so that work patterns can be adjusted if necessary.
56. This policy should be reviewed after it has been implemented for two years.

Gift Registry

66. The City should establish a registry for gifts received by staff and

councillors. The registry should be run by the integrity commissioner's office.

67. The gift registry should contain the following details in a searchable database:
- a. the name of the individual who received the gift and the capacity in which he or she was serving at the time
 - b. a description of the gift
 - c. the person or group who presented it
 - d. the date on which the gift was received
 - e. the occasion on which the gift was given
 - f. the estimated value of the gift, if known
 - g. a running total of the value of gifts received by staff or councillors from that person or group in the previous twelve months
 - h. what the individual intends to do with the gift
 - i. whether the gift should remain with the City if the recipient leaves
68. Councillors and staff should be encouraged to consult with the integrity commissioner about the propriety of accepting or continuing to keep any gift of any value.

Charity Events

69. The City should have a clear policy on when it is appropriate for councillors and City staff to attend charity events.

Elections Financing

70. The City should ask the Province to ban the practice of "bundling" in municipal elections, including bundling through lawyers' trust accounts.

Appendix —CII

City of Windsor Council Appointment Policy

Service Area:	Council Services	Policy No.:	
Department:	Office of the City Clerk	Approval Date:	
Division:		Approved By:	
		Effective Date:	
Subject:	Council Appointments to Agencies, Boards and Committees	Procedure Ref.:	
		<i>Pages:</i>	Replaces:
Prepared By:	Steve Vlachodimos		Date:

1. POLICY

1.1 The City of Windsor is committed to ensuring the appointment of qualified candidates by Council to Civic Agencies in a manner that is transparent, fair and consistent, while at the same time meeting requirements for the protection of personal information as required by the Municipal Freedom of Information and Protection of Privacy Act.

2. PURPOSE

2.1 The purpose of this policy is to establish a fair and consistent process for Council appointments to City of Windsor Civic Agencies.

3. SCOPE

3.1 This policy shall govern the actions of the Clerk’s Department, Council and any Selection Committee appointed by Council to address vacancies on Civic Agencies required to be filled by Council Appointments.

4. RESPONSIBILITY

4.1 Every appointment by the City to a Civic Agency shall be by a resolution of Council.

4.2 Every appointment by the City to a Civic Agency shall be at the pleasure of Council, whether or not the appointment is for a specified time period.

4.3 No person may be appointed to be a member of more than one Civic Agency at the same time.

4.4 Notwithstanding 4.3, a Member of Council may be appointed to be a member of more than one Civic Agency at the same time.

4.5 Council may make appointments at their discretion and are not limited to only eligible electors.

4.6 Council shall:

- a) Approve this policy and any changes to this policy from time to time;
- b) Consider applications for vacancies on Civic Agencies;
- c) From time to time, establish Selection Committees on an as-needed basis and, unless otherwise provided for at the time of establishment, the Mayor shall be an ex-officio member of such selection Committee;
- d) By resolution, make appointments of members to Civic Agencies in accordance with this policy.

4.7 The Selection Committee shall:

- a) Meet at the appointed time and place for the purpose of interviewing applicants identified by Council as candidates for vacancies on Civic Agencies;
- b) Consider and recommend to Council the candidate(s) that in the opinion of the Selection Committee would best service the needs of Council and the public on a given Civic Agency.

4.8 The Clerk’s Department shall:

- a) Coordinate appointments to Civic Agencies by:
 - i. Providing public notice of vacancies on Civic Agencies;
 - ii. Providing application materials to individuals who wish to apply for appointment as new members;
 - iii. Arranging appropriate meetings for the Selection Committee;
 - iv. Providing all documents the Selection Committee may require to facilitate interviews;

- v. Preparing letters to send to all applicants concerning the status of their application;
 - vi. Notifying the Civic Agency of appointments and re-appointments made by Council
- 4.9 The Clerk's department shall maintain all records pertaining to appointments to Civic Agencies.

5. GOVERNING RULES AND REGULATIONS

- 5.1 The City of Windsor Clerk's Department shall provide public notice of any vacancies on any Civic Agencies in accordance with the City's Public Notice By-Law.
- 5.2 The public notice shall include general information regarding the nature of the vacancies on the Civic Agency and timelines for the receipt of applications from the general public.
- 5.3 All applications containing personal information and submitted to the City of Windsor in response to the public notice shall be treated as confidential information in accordance with the provisions of Part II of the *Municipal Freedom of Information and Protection of Privacy Act*.
- 5.4 When the application deadline is reached, the Clerk's Department will confidentially circulate all applications received within the prescribed timelines with agenda materials for the next available meeting of Council.
- 5.5 At the appropriate Council Meeting, Council shall consider all circulated applications in closed session in accordance with Part II of the *Municipal Freedom of Information and Protection of Privacy Act* and with Section 239 of the *Municipal Act, 2001*, and based upon such consideration Council may:
- a) When the number of applicants is less than or equal to the number of vacancies; Council may appoint one or more applicants to sit on the Civic Agencies for which corresponding application has been made;
 - b) When the number of applicants is greater than the number of vacancies or when Council otherwise considers it appropriate, Council may direct the Clerk's Department to arrange for confidential interview with one or more applicants, such interviews to be conducted by a Selection Committee of not less than three Members of Council who shall report back, in closed session, to the next available meeting of Council with recommendations regarding appointments.
 - c) Direct Clerk's Department staff to assemble additional information regarding the applications for review by Council, in closed session, at its next available meeting.
- 5.6 After due consideration in closed session, Council shall in open session vote on any recommendation for appointments arising from closed session deliberations.
- 5.7 After ratification of appointments by Council, the Clerk's Department shall notify all applicants considered by Council of the resulting decision.
- 5.8 "Civic Agency" means an agency, board, committee, commission, panel or corporation or otherwise to which Council appoints one or more members; "Council" means the Municipal Council of the City of Windsor; "Selection Committee" means a Committee of not less than three members of Council, established by Council from time to time to conduct interviews of applicants for positions on a Civic Agency; "City" means the City of Windsor
- 5.9 This policy is subject to any statute, regulation or By-law.