

Town of Riverview

COUNCIL REPORT FORM



Presented to: Mayor & Council

Department: Legislative Services

Date: October 27, 2025

Subject: Proposed changes to the Procedural By-Law 100-10-07

BACKGROUND

At the Meeting of April 28, 2025, a request was made by Council to complete another review of Riverview's Procedural By-Law.

This report outlines suggested amendments to Procedural By-Law 100-10-07, with key changes aimed at clarifying the process for the **Mayor vacating the chair**, added sections relating to the **Notice of Motion** procedure, a formalized process for receiving **Petitions** and the removal of the Point of Privilege Section and replacing with the new section called **Raising a Question of Privilege**. Additional minor revisions and adjustments are also outlined below.

The full By-Law with track changes is included for review as well as a final clean version for better readability.

OVERVIEW OF CHANGES

Definitions

Added definitions include Notice of Motion, Point of Privilege, Point of Personal Privilege, Presiding Officer and Unanimous Consent.

Regular Meetings and Committee of the Whole (Sections 10 and 12):

Minor adjustments have been made to include clarification on regular meeting times and changes made to meetings each year are now incorporated into the By-Law therefore eliminating the need to do it by resolution each year:

- 10.1 and 12.1 now provide clarification to regular meeting start time at 7:00 p.m. (with flexibility to adjust)
- 10.1 also states that the Regular Public Session for July and August are held at 4:00 p.m. for the summer.
- 12.1 states that the Committee of the Whole meeting in July and August are cancelled unless required and called by Council.

This will help members of the Public understand our standard regular times of meetings and yearly changes. In the past, these changes were made resolution of Council and could cause confusion to the Public.

Although we are confident that these adjustments will continue year to year, if Council choose not to implement one of these changes in the coming years, they could do so by resolution.

Meetings through Electronic Means (Section 14)

Additional lines were added under “Meeting through Electronic Means” in order to match the recently adopted Virtual Meetings Guidelines Policy 04-3500-39.

Recording of meetings (Section 17)

An additional line was added stating that “In the event that the meeting cannot be audio recorded, the meeting will be postponed.”

If video recording fails, we want to ensure we at least have audio available for staff and residents. Without an audio recording of the meeting, we don’t feel a meeting could proceed and should be postponed.

Agendas (Section 19)

Additions to an Agenda without proper notice to the public should only be done on an urgent basis and agreed to by all members of Council. This also matches the process and need for a Notice of Motion process that requires prior notice to Council and residents for items to be brought forward.

Quorum (section 23)

Added clarification that the Mayor is included as member required to form quorum.

Public Participation in meetings (Section 26)

It is important for members of the public to register in advance to speak at meetings in order to provide public notice of the topics that will be addressed. This also allows staff to prepare responses or background information ahead of time, ensuring a more informed and efficient discussion.

Residents should also understand that it would be inappropriate to entertain presentations that should be considered in a closed session or scheduled to be considered at the Planning Advisory Committee or a future Public Hearing where the public will have a formal opportunity to present their views in a structured and legally mandated process.

Two New Sections (Section 27 and Section 30)

A new Section 27 called **Petitions** was added so we can formalize a process for the Town to accept petitions and take appropriate action.

A new section **Notice of Motion** outlines the process for Councillors to bring forward their motions for new items that may not be listed on an upcoming agenda.

Public Hearing (Section 28)

Under Section 28.2(d) of the Public Hearing procedure, the wording has been revised to clarify that speakers may be heard in any order, regardless of whether they are for or against the matter being considered. Previously, those in favour would be heard first, then we would hear from those objecting.

In Section 28.2(h), the time limit for individual speakers has been adjusted to five minutes per person. However, if a spokesperson is designated to speak on behalf of a group or delegation, they will be limited to ten minutes.

Currently, the Procedural By-Law permits ten minutes per speaker. Given that written submissions are strongly encouraged and included in Council packages ahead of the meeting, we believe five minutes is a reasonable timeframe for individuals to present their positions. The ten-minute limit will remain in place for designated spokespersons representing groups or delegations.

These changes are intended to help streamline lengthy Public Hearings and make it easier for all participants to attend and remain engaged throughout the entire hearing.

Voting and the Mayor's process to vacate the chair (section 31 and 35)

At the April 28, 2025 Council meeting, a request was made to clarify the process by which the Mayor may vacate the Chair to participate in debate. Extensive research and consultation was conducted by the Town Clerk to ensure proper procedure is followed and that the process is clear.

While this scenario is uncommon, it is reasonable in instances where the Mayor wishes to speak on a matter of significant importance that directly affects them. As an elected official, the Mayor has the right to express support or opposition, provided the process is handled appropriately.

Our Procedural By-Law has always stated that the Mayor does not vote except to break a tie. However, if the Mayor temporarily vacates (relinquishes) the role of Chair (Presiding Officer) during the consideration of a motion, they assume the same rights and responsibilities as any other member such as voting. The By-Law also specifies that the Mayor must remain out of the Chair until the debate has concluded and the motion or resolution has been dealt with.

To enhance clarity, wording has been added to explicitly state that once the Mayor vacates the Chair for this purpose, they may participate in debate and vote, and must not resume the Chair until the item is fully resolved.

Robert's Rules of Order (Section 43:29) supports this process, which states:

“The presiding officer, as a member of the society (elected official), he has as an individual, the same rights in debate as any other member; but the impartiality required of the chair in an assembly precludes his exercising these rights while he is presiding. On certain occasions, the presiding officer may believe that a crucial factor relating to such a question has been overlooked and that his obligation as a member to call attention to the point outweighs his duty to preside at that time. To participate in debate, he must relinquish the chair. The presiding officer who relinquished the chair then should not return to it until the main question has been dealt with, since he has shown himself to be a partisan as far as that particular matter is concerned”

In the interest of impartiality, the Deputy Mayor or another designated Presiding Officer will assume the Chair and remain in that role until the item is concluded. The Deputy Mayor is expected to accept and fulfill this responsibility as the Mayor’s elected replacement and as chair, would not vote except to break a tie.

Note: Minor wording adjustments have been made throughout the Procedural By-Law to align with Robert’s Rules of Order, including the interchangeable use of terms such as *vacate/relinquish* and *Chair/Presiding Officer*, for the sake of consistency and clarity.

Raising a question of Privilege (Section 43)

At this same meeting, there was some confusion around the difference between raising a Point of Order is versus raising a Point of Privilege meant.

A Point of Order is used to address procedural concerns and ensure the meeting follows established rules. A Point of Privilege, also known as a *Question of Privilege*, relates to the rights and comfort of members. It includes both Points of Privilege, which affect the entire Council, and Points of Personal Privilege, which concern individual members.

The revised section titled *Raising a Question of Privilege* now groups these concepts together and outlines a clear process for members to raise issues that may impact their ability to participate effectively or affect the overall conduct of the meeting. This update improves clarity and ensures that Council members can bring forward concerns in a respectful and efficient way.

An example of each type:

1. Raising a Question or Point of Privilege (effects assembly as a whole)

Scenario: During a town council meeting, the air conditioning in the chamber stops working, and the temperature becomes uncomfortably high and unbearable.

Example Statement:

"Your Worship, I rise to a question of privilege affecting the assembly. The temperature in this room is becoming quite uncomfortable, and I believe it may affect our ability to concentrate and participate effectively in the meeting. May I suggest a short recess or that we relocate to a cooler space?"

2. Raising a Question of Personal Privilege at the meeting (effects an individual and their rights)

Scenario:

During a debate, the Chair allows other councillors to speak at length but repeatedly cuts off one councillor before they finish their points.

Example Statement:

"Mr. or (Mrs.) Chair, I rise to a question of personal privilege. I feel I'm not being given the same opportunity to speak as other members. I've been interrupted several times while others have been allowed to finish their remarks. I believe this affects my ability to participate fully in the discussion, and I respectfully ask that I be given equal time to speak."

Next Steps

This is a draft By-Law and will be presented to Council for first reading at the November 10th Regular Council Meeting. Staff welcomes any suggestions for changes from Council before that time. We would ask that Council provide Direction at the Committee of the Whole meeting for any changes but Council can submit comments and/or suggestions no later than October 31st, 2025

CONSIDERATIONS

Legal: The by-law will be reviewed to ensure adherence to all legislation

Financial: No financial considerations

Policy: In line with the Virtual Meetings Guidelines Policy 04-3500-39

Stakeholders: Council, Staff and Residents

Strategic Plan: Strategic Themes: Service Excellence and Active and Engaged Community

Interdepartmental Consultation: The proposed by-law has been forwarded to the CAO, Director of Corporate Services and Deputy Clerk for review.

Communication Plan:

As with other By-Law amendments, this amendment will be posted on the Town's website for the required period (for a period of at least two weeks before second and third readings) and will be brought forward to Council for the required three readings.

The By-Law will be presented for first reading at the November 10th Regular Council Meeting and then for second and third reading at the December 8th Regular Council Meeting. It will then be published on the Town's website in the By-law section.

OPTIONS

Council may:

- 1) Council may choose to accept the changes and recommend that the Procedural By-law 100-10-07

proceed for the first reading by title only on November 10th; or

- 2) Provide Direction to staff to make further changes as they see fit prior to first reading on November 10th.

RECOMMENDATION FROM STAFF

Staff recommends the attached By-law 100-10-07 – A By-Law relating to the Proceedings of the Council of the Town of Riverview be recommended for adoption and first reading on November 10th.

Recommendation: That the Committee of the Whole recommend to Riverview Town Council to proceed with the process of enactment of the Procedural By-Law and proceed to give first reading to By-Law 100-10-07 on November 10, 2025.

Prepared by: Karyann Ostroski, Town Clerk