



Open Forum

Public Notices (if required)

Additions & Corrections to the Agenda

Additional items to this Agenda are shown under the Addendum header.

Declarations of Pecuniary Interest

Presentations & Recognitions

- 1. Mr. Stephen Huycke, Town Clerk, Town of Aurora (AMCTO Zone 4 Director) to present the E.A. Danby Award (Municipal Administration Category, population of greater than 20,000) to the Town of Newmarket for its innovative E-Bidding System.

Deputations

Approval of Minutes

- 2. Council Minutes of October 5, 2015. p. 1

Correspondence & Petitions

Reports by Regional Representatives

Reports of Committees and Staff

- 3. Workshop Record of October 5, 2015. p. 19
- 4. Workshop Record of October 20, 2015. p. 22
- 5. Committee of the Whole Minutes of October 20, 2015. p. 24
- 6. Committee of the Whole (Closed Session) Minutes of October 20, 2015.

7. Memorandum from the Director of Legislative Services/Town Clerk dated p. 37
October 22, 2015 regarding Corporate Policy Approval Authority Framework.

By-laws

- 2015-50 A by-law to govern the proceedings of Council and Committee p. 41
meetings.

Notices of Motions

Motions

Announcements & Community Events

New Business

Closed Session (if required)

The Closed Session Agenda and Reports will be circulated under separate cover
(Goldenrod).

Confirmatory By-law

- 2015-51 A By-law to confirm the proceedings of Council - October 26, 2015. p. 65

Addendum (Additions and Corrections)

- 5a. Item 14 of the Committee of the Whole Minutes of October 20, 2015 regarding p. 66
Joint Office of the CAO - Strategic Initiatives and Corporate Services
Commission - Legislative Services Report 2015-10 dated September 3, 2015
regarding Corporate Policy Approval Authority Framework Replacement Minute.
(Related to Item 7)
- a) THAT Office of the CAO - Strategic Initiatives and Corporate Services
Commission - Legislative Services Report 2015-10 dated September 3, 2015
regarding 'Corporate Policy Approval Framework' be received and the following
recommendations be adopted:
- i) THAT Council adopt Corporate Policy CAO.1-06 'Corporate Policy Approval
Authority Framework' attached as Appendix 'A', as amended to reflect:
- a. THAT new policies within the jurisdiction of the CAO be forwarded to Council
for delegation;

ii) AND THAT amendments to the Economic Adjustment Policy be considered by Council;

iii) AND THAT the Delegation By-law be updated to reflect these items of delegated authority.

- 7a. Replacement Memorandum from the Director of Legislative Services/Town Clerk dated October 26, 2015 regarding Corporate Policy Approval Authority Framework. (Related to Item 5a) p. 67
- 10. Mr. John Heckbert to address Council regarding the Hollingsworth Development Proposal. p. 71
- 11. Mr. John Blommesteyn to address Council regarding By-law 2015-50, being a by-law to govern the proceedings of Council and Committee meetings. p. 72

Adjournment



The meeting of the Council was held on Monday, October 5, 2015 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Deputy Mayor & Regional Councillor Taylor
Councillor Vegh
Councillor Kerwin
Councillor Twinney
Councillor Sponga
Councillor Broome-Plumley
Councillor Bisanz

Absent: Councillor Hempen

Staff Present: P. Noehammer, Acting Chief Administrative Officer
A. Moore, Commissioner of Corporate Services
I. McDougall, Commissioner of Community Services
A. Brouwer, Director of Legislative Services/Town Clerk
C. Finnerty, Council/Committee Coordinator
J. Patel, Business Support Analyst

The meeting was called to order at 7:00 p.m.

Mayor Van Bynen in the Chair.

Public Notices

None.

Additions & Corrections to the Agenda

1. Additions & Corrections to the Agenda

The Acting Chief Administrative Officer advised of an addition to the agenda, being a deputation by Ms. Laurie Smith, related to Item 14 of the Committee of the Whole Minutes of September 28, 2015 being parking and storage of recreational vehicles on residential properties.

Moved by: Councillor Kerwin
 Seconded by: Councillor Twinney

THAT the deputation by Ms. Laurie Smith regarding Parking and Storage of Recreational Vehicles in Residential Zones be included on the agenda.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
 (8 in favour, 0 opposed)

Carried

Declarations of Pecuniary Interest

None.

Presentations & Recognitions

None.

Deputations

- Ms. Laurie Smith addressed Council regarding parking and storage of recreational vehicles in residential zones and expressed her support to amend the by-law to permit seasonal parking of recreational vehicles. She further suggested that Council consider permitting the parking of smaller recreational vehicles on a seasonal basis.

Moved by: Councillor Sponga
 Seconded by: Councillor Broome-Plumley

THAT the deputation by Ms. Laurie Smith regarding Parking and Storage of Recreational Vehicles in Residential Zones be received.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
 (8 in favour, 0 opposed)

Carried

3. Development and Infrastructure Services - Planning and Building Services - Planning Report 2015-39 dated September 17, 2015 regarding Parking and Storage of Recreational Vehicles in Residential Zones.

Moved by: Councillor Twinney

Seconded by: Deputy Mayor & Regional Councillor Taylor

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2015-39 dated September 17, 2015 regarding parking and storage of recreational vehicles in residential zones be received and the following recommendations be adopted:

i) THAT Council authorize a Zoning By-law Amendment to amend the zoning provisions for the parking and storing of recreational vehicles on a driveway from 72 hours per month to 8 calendar days per month as outlined in the attached draft by-law;

ii) AND THAT the By-law be amended to include an appropriate setback and remove reference to a maximum Recreational Vehicle size;

iii) AND THAT staff bring forward the by-law to the next Council meeting;

iv) AND THAT Laurie Smith of 371 Burford Street, Newmarket, ON L3Y 6P9 be notified by the Clerk of this action;

v) AND THAT Laura and Mike Kyte of 367 Burford Street, Newmarket, ON L3Y 6P9 be notified by the Clerk of this action.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)

(8 in favour, 0 opposed)

Carried

Approval of Minutes

4. Special Committee of the Whole Minutes of June 22, 2015.

Moved by: Councillor Kerwin

Seconded by: Councillor Sponga

THAT the Special Committee of the Whole Minutes of June 22, 2015 be confirmed.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz
 Opposed: (None)
 (8 in favour, 0 opposed)

Carried

5. Special Council Minutes of September 14, 2015.

Moved by: Councillor Vegh
 Seconded by: Councillor Kerwin

THAT the Special Council Minutes of September 14, 2015 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz
 Opposed: (None)
 (8 in favour, 0 opposed)

Carried

6. Special Council (Closed Session) Minutes of September 14, 2015.

Moved by: Councillor Kerwin
 Seconded by: Councillor Bisanz

THAT the Special Council (Closed Session) Minutes of September 14, 2015 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz
 Opposed: (None)
 (8 in favour, 0 opposed)

Carried

7. Council Minutes of September 14, 2015.

Moved by: Councillor Vegh
 Seconded by: Councillor Sponga

THAT the Council Minutes of September 14, 2015 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
(8 in favour, 0 opposed)

Carried

Correspondence & Petitions

None.

Reports by Regional Representatives

- a) Deputy Mayor & Regional Councillor Taylor advised that the Bill Fisch Forest Stewardship and Education Centre opened this past week. The facility is located south of Mulock Drive on Highway 48 and its intended use is for forestry work and to provide educational opportunities for students. The Centre is LEED Platinum and meets the living building standard, of which only eight buildings in the world can claim.
- b) Deputy Mayor & Regional Councillor Taylor advised that Regional Council received a Roads Capital Construction Update and provided a high-level summary of the report, including that an investment of 1.5 billion dollars in York Region to improve the road network and the state of the roads. 1.2 billion dollars is earmarked for growth projects and 270 million to infrastructure maintenance and rehabilitation. The report is available online by visiting the York Region website at www.york.ca

Reports of Committees and Staff

8. Council Workshop Record of September 21, 2015.

Moved by: Councillor Sponga
Seconded by: Councillor Broome-Plumley

THAT the Council Workshop Record of September 21, 2015 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
(8 in favour, 0 opposed)

Carried

9. Council Workshop Record of September 28, 2015.

Moved by: Councillor Sponga
 Seconded by: Councillor Bisanz

THAT the Council Workshop Record of September 28, 2015 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz
 Opposed: (None)
 (8 in favour, 0 opposed)

Carried

10. Committee of the Whole Minutes of September 28, 2015.

Moved by: Councillor Bisanz
 Seconded by: Councillor Sponga

THAT the Committee of the Whole Minutes of September 28, 2015 be approved and the following recommendations be adopted:

11. Correspondence dated September 3, 2015 from Ms. Jo-Anne St. Godard, Executive Director, Recycling Council of Ontario requesting proclamation of October 19 to 25, 2015 as 'Waste Reduction Week'.

a) THAT the correspondence from Ms. Jo-Anne St. Godard, Executive Director, Recycling Council of Ontario be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim October 19 to 25, 2015 as 'Waste Reduction Week';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

12. Correspondence dated September 9, 2015 from Chief Ian Laing, Central York Fire Services requesting proclamation of October 4 to 10, 2015 as 'Fire Prevention Week'.

a) THAT the correspondence from Chief Ian Laing, Central York Fire Services be received and the following recommendations be adopted:

- i) THAT the Town of Newmarket proclaim October 4 to 10, 2015 as 'Fire Prevention Week';
 - ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
13. Correspondence dated September 9, 2015 from Ms. Laura Bradford, Senior Mediator/Parenting Coordinator, Summit Mediation requesting proclamation of November 23 to 27, 2015 as 'Family Dispute Resolution Week'.
- a) THAT the correspondence from Ms. Laura Bradford, Summit Mediation be received and the following recommendations be adopted:
 - i) THAT the Town of Newmarket proclaim November 23 to 27, 2015 as 'Family Dispute Resolution Week';
 - ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
14. Accessibility Advisory Committee Minutes of June 18, 2015.
- a) THAT the Accessibility Advisory Committee Minutes of June 18, 2015 be received.
15. Newmarket Downtown Development Sub-Committee Minutes of June 26, 2015.
- a) THAT the Newmarket Downtown Development Sub-Committee Minutes of June 26, 2015 be received.
16. Main Street District Business Improvement Area Board of Management Minutes of July 21, 2015.
- a) THAT the Main Street District Business Improvement Area Board of Management Minutes of July 21, 2015 be received.
17. Development and Infrastructure Services - Planning and Building Services - Planning Report 2015-38 dated September 17, 2015 regarding Public Meeting notification sign requirements.
- a) THAT Development and Infrastructure Services - Planning and Building Services Report 2015-38 dated September 17, 2015 regarding changing the requirements for Public Meeting notification signs be received and the following recommendation be adopted:

i) THAT the requirements for Public Meeting notification signs be changed such that the wording is simpler and a map and/or drawing of the proposed development be included on the sign.

18. Corporate Services - Legislative Services 2015-12 dated September 10, 2015 regarding Public Records Access Improvements.

a) THAT Corporate Services - Legislative Services Report 2015-12 dated September 10, 2015 regarding 'Public Records Access Improvements' be received and the following recommendation be adopted:

i) THAT the Routine Disclosure of Records Policy CORP.1-09 (attached as Appendix A) be approved.

19. Corporate Services Report - Legislative Services 2015-13 dated September 16, 2015 regarding vivaNext D1 Project (Noise By-law Exemption)

a) THAT Corporate Services Report - Legislative Services 2015-13 dated September 16, 2015 regarding vivaNext D1 Project Request for Exemption from the Noise By-law be received and the following recommendations be adopted:

i) THAT the request from Kiewit EllisDon for a noise exemption to perform necessary works for the vivaNext D1 project between the hours of 10:00 p.m. to 7:00 a.m. from December 25, 2015 until December 25, 2016 be approved;

ii) AND THAT this approval is subject to ongoing staff supervision and community impact assessment and revocation if community impact is deemed excessive by staff or Council.

20. List of Outstanding Matters.

a) THAT the list of Outstanding Matters be received.

21. THAT the deputation by Ms. Debra Scott, Newmarket Chamber of Commerce regarding Council Strategic Priorities - Economic Development be received.

22. THAT the deputations by Ms. Laurie Smith and Mr. Mike Hodge regarding a By-law with respect to Parking and Storage of Recreational Vehicles in Residential Zones be received;

AND THAT the correspondence from Mr. David Nelson in objection to amendments to the by-law with respect to Parking and Storage of Recreational Vehicles in residential zones be received.

23. THAT the deputation by Mr. Paul Jolie regarding Ontario Municipal Cycling Infrastructure be received and referred to staff for a report back to Council related to cycling infrastructure on Mulock Drive.
24. THAT the deputation by Mr. Athol Hart regarding Town Crier Services be received.
25. Correspondence received June 25, 2015 from Mr. Athol Hart regarding Town Crier representation.
- a) THAT the correspondence received June 25, 2015 from Mr. Athol Hart regarding Town Crier representation be received;
- b) AND THAT staff work with the Ontario Guild of Town Criers to identify an appropriate process for Town Crier selection and report back within 30 days.
26. THAT the deputation by Mr. Jim Bruzzese, BMA Management Consulting Inc. regarding Building Permit Fee Review be received.
27. Development and Infrastructure Services Report - Planning and Building Services 2015-01 dated September 14, 2015 regarding Building Permit Fees Report and Building By-law.
- a) THAT Development and Infrastructure Services Report - Planning and Building Services 2015-01 dated September 14, 2015 regarding Building Permit Fees Report and Building By-law be received and the following recommendations be adopted:
- i) THAT Committee direct staff to hold a public meeting in accordance with the Building Code Act and regulations for proposed changes to Building Permit fees collected under the Act;
- ii) AND THAT notice be given to such persons as may be prescribed in the Building Code Act;
- iii) AND THAT following the public meeting, the Building By-law and associated permit fee schedule be brought back to Council for adoption with an implementation date in January 2016;
- iv) AND THAT the Building Permit Stabilization Reserve target range be established at 150% - 200% of the total operating expenditures which is consistent with industry practice;
- v) AND THAT a DAAP Cost Recovery review as recommended by BMA Management Consulting Inc. be undertaken;

vi) AND THAT the cost of the DAAP Cost Recovery review be funded by the Building Permit Reserve.

28. Joint Office of the CAO - Strategic Initiatives and Corporate Services Commission - Legislative Services Report 2015-10 dated September 3, 2015 regarding Corporate Policy Approval Authority Framework.

THAT Joint Office of the CAO - Strategic Initiatives and Corporate Services Commission - Legislative Services Report 2015-10 dated September 3, 2015 regarding Corporate Policy Approval Authority Framework be deferred to the October 20, 2015 Committee of the Whole meeting.

29. Development and Infrastructure Services Report - Engineering Services 2015-47 dated August 6, 2015 regarding Patti McCulloch Way - Parking Restrictions.

a) THAT Development and Infrastructure Services Report - Engineering Services 2015-47 dated August 6, 2015 regarding Patti McCulloch Way - Parking Restrictions be received and the following recommendation be adopted:

i) THAT Council implement no parking restrictions on the west side of Patti McCulloch Way from the property line between 88 Patti McCulloch Way and 90 Patti McCulloch Way northward to Woodspring Avenue;

ii) AND THAT Schedule X of By-law 1993-62 be amended accordingly.

30. Corporate Services Commission Report - Legislative Services 2015-11 dated September 3, 2015 regarding 'Housekeeping Matters: Regular Meeting Schedule, Procedure By-law and Municipal Flag Policy'.

THAT Corporate Services Commission Report - Legislative Services 2015-11 dated September 3, 2015 regarding 'Housekeeping Matters: Regular Meeting Schedule, Procedure By-law and Municipal Flag Policy' be deferred to the October 20, 2015 Committee of the Whole meeting.

31. THAT staff be directed to report back within 120 days on the potential of demolishing the Old Fire Hall at 140 Main Street South with the intent to repurpose it as a parking lot that would be in keeping with the downtown area and that the report include any other options for parking enhancements in the downtown core.

32. Community Services - Recreation and Culture Report 2015-28 dated September 16, 2015 regarding Hollingsworth Arena Replacement Follow-Up.

a) THAT Community Services - Recreation and Culture Report 2015-28 dated September 16, 2015 regarding Hollingsworth Arena Replacement Follow-Up be deferred to the October 20, 2015 Committee of the Whole meeting.

33. Development and Infrastructure Services Report - PWS 2015-55 dated September 18, 2015 regarding Snow Storage Alternative Update.

a) THAT Development and Infrastructure Services Report Public Works Services - PWS 2015-55 dated September 18, 2015 regarding Snow Storage Alternative Update be received and the following recommendations be adopted:

i) THAT staff continue to work with the private land owners and York Region to finalize arrangements for snow storage for the 2015/2016 winter season;

ii) AND THAT staff include any estimated additional cost for alternative snow storage in the 2016 draft budget proposal, if required;

iii) AND THAT staff be authorized to execute required agreements for temporary storage of snow for the 2015/2016 and subsequent winter seasons if required, as described.

34. THAT staff be directed to report back within 60 days on options to reinstate on street parking on Woodspring Avenue that is complimentary to the existing bicycle lanes.

35. THAT the presentation by Mr. Brad Rogers be provided an additional five minutes.

36. THAT Development and Infrastructure Services Report - Planning and Building Services Report 2015-35 and related Council Extract, Public Meeting Notice regarding a Proposed Official Plan, Zoning By-law Amendment and Proposed Draft Plan of Subdivision - 16920 and 16860 Leslie Street, PowerPoint presentation, deputations and all correspondence be received.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
(8 in favour, 0 opposed)

Carried

37. Development and Infrastructure Services Commission Report 2015-53 dated September 8, 2015 regarding Ontario Municipal Cycling Infrastructure Program.

Moved by: Councillor Sponga
 Seconded by: Councillor Kerwin

a) THAT Development and Infrastructure Services Commission Report 2015-53 dated September 8, 2015 regarding the Ontario Municipal Cycling Infrastructure Program be received and the following recommendations be adopted:

i) THAT Council endorse the proposed cycling infrastructure project as identified in the attached Schedule 'A' - Newmarket East-West Bikeway Map to enable staff to continue with an application for partial funding of the project through the Ontario Municipal Cycling Infrastructure Program (OMCIP);

ii) AND THAT Council pre-approves the allocation of \$325,000 from the development charges capital fund over the 2016 and 2017 budgets.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz
 Opposed: (None)
 (8 in favour, 0 opposed)

Carried

38. Committee of the Whole (Closed Session) Minutes of September 28, 2015.

Moved by: Councillor Vegh
 Seconded by: Councillor Sponga

THAT the Committee of the Whole (Closed Session) Minutes of September 28, 2015 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz
 Opposed: (None)
 (8 in favour, 0 opposed)

Carried

39. Item 1 of the Committee of the Whole (Closed Session) of September 28, 2015 - Corporate Services (Legal Services) (Closed Session) Report 2015-07 dated September 8, 2015 regarding a proposed or pending acquisition or disposition of land by the municipality or local board as per Section 239 (2) (c) of the Municipal Act, 2001. (Ward 5 - Proposed land exchange between the Town of Newmarket and the Regional Municipality of York)

Moved by: Councillor Kerwin
 Seconded by: Councillor Bisanz

a) THAT Corporate Services (Legal Services) (Closed Session) Report 2015-07 dated September 8, 2015 regarding a proposed or pending acquisition or disposition of land by the municipality or local board as per Section 239 (2) (c) of the Municipal Act, 2001. (Ward 5 - Proposed land exchange between the Town of Newmarket and the Regional Municipality of York) be received;

b) AND THAT staff proceed as directed.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
 (8 in favour, 0 opposed)

Carried

40. Item 2 of the Committee of the Whole (Closed Session) of September 28, 2015 - Joint CAO/Commissioners of Community Services, Corporate Services and Development and Infrastructure Services (Closed Session) Report 2015-54 and related presentation regarding a proposed or pending acquisition or disposition of land by the municipality or local board as per Section 239 (2) (c) of the Municipal Act, 2001. (Ward 3)

Moved by: Councillor Sponga
 Seconded by: Councillor Kerwin

a) THAT Joint CAO/Commissioners of Community Services, Corporate Services and Development and Infrastructure Services (Closed Session) Report 2015-54 and related presentation regarding a proposed or pending acquisition or disposition of land by the municipality or local board as per Section 239 (2) (c) of the Municipal Act, 2001. (Ward 3) be deferred to the October 20, 2015 Committee of the Whole (Closed Session) Meeting;

b) AND THAT staff proceed as directed.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
 (8 in favour, 0 opposed)

Carried**By-laws**

41. By-laws 2015-45, 2015-46, 2015-47 and 2015-48.

- | | |
|---------|--|
| 2015-45 | A By-law to Appoint an Integrity Commissioner for the Town of Newmarket. |
| 2015-46 | A By-law to provide an exemption to By-law 2004-94, as amended, being a by-law to prohibit and regulate unusual noises or noises likely to disturb the inhabitants of the Town of Newmarket. |
| 2015-47 | A By-law to amend By-law 2010-40, as amended, being a Zoning By-law (Recreational Vehicles - Town Wide) |
| 2015-48 | A By-law to Amend By-law 1993-62, as amended, being a By-law to Regulate Parking within the Town of Newmarket. (Schedule X - No Parking) |

Moved by: Councillor Bisanz

Seconded by: Councillor Broome-Plumley

THAT By-laws 2015-45, 2015-46, 2015-47 and 2015-48 be enacted.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
(8 in favour, 0 opposed)

Carried**Notices of Motions**

- a) Deputy Mayor & Regional Councillor Taylor advised that he would be bringing a motion to the next scheduled Committee of the Whole meeting regarding outdoor arenas.

Motions

None.

Announcements & Community Events

- a) Councillor Vegh invited residents to visit the Newmarket Public Library at 438 Park Avenue on Tuesday, October 13, 2015 from 7:00 p.m. to 8:30 p.m. to make Haunted House Creations. Make a spooky haunted house out of clay, complete with decorations and paint. Your project will be kiln-fired and returned to the Library for pick-up. For information and registration call 905-953-5105.
- b) Councillor Kerwin invited residents to enjoy Friday Night Social Dances on October 9, 2015 and October 16, 2015 from 8:00 p.m. to 1:00 p.m. at the Newmarket Seniors' Meeting Place, 474 Davis Drive. Come out for Line Dancing, Ballroom Dancing, Latin Dancing and more. The cost is \$5.00 for members and \$6.00 for non-members. Coffee and light snacks are provided in addition to a cash bar. Call 905-953-5325 for more information.
- c) Councillor Kerwin advised that he will be hosting Ward 2 drop-in meetings on October 17, October 24 and October 31 from 9:30 a.m. to 12:00 p.m. in the basement of the Newmarket Public Library. In addition, in the month of November, he will begin to host fireside chats at his home at 317 Maple Street.
- d) Councillor Kerwin advised that membership at the Newmarket Seniors' Meeting Place is increasing and he thanked staff for their work to accommodate members during the construction on Davis Drive.
- e) Councillor Twinney advised that she will be hosting a Ward 3 meeting on Wednesday October 14, 2015 from 7:00 p.m. to 8:30 p.m. at the Newmarket Community Centre & Lions Hall, 200 Doug Duncan Drive. Come for a discussion about what's happening in Ward 3 and the surrounding community. For more information, please call 905-953-5323 or e-mail jtwinney@newmarket.ca
- f) Deputy Mayor & Regional Councillor Taylor advised that he co-hosted a community initiative with the Newmarket Environmental Advisory Committee, Upper Canada Mall and ARTEX Environmental. On Saturday, September 26, 2015 close to 200 enthusiastic residents dropped off 14,003 lbs of E-waste within a 5-hour time period – a 36% increase over last year! This brings the total to 161,900 lbs of E-waste that has been diverted from landfill and developing countries over the past four years.
- g) Deputy Mayor & Regional Councillor Taylor advised that the Newmarket Chamber of Commerce will be hosting a debate for federal election candidates on Tuesday, October 6, 2015 beginning at 6:00 p.m. at the Newmarket Theatre.

- h) Councillor Sponga advised that the Town of Newmarket is holding its annual Fall Food Drive and encouraged residents to support the event to benefit the Newmarket Food Pantry. Donations of non-perishable food items can be dropped off in the lobby of the Municipal Offices at 395 Mulock Drive until October 19, 2015. For more information, please call 905-895-5193.
- i) Councillor Sponga thanked the students of Pickering College and their families for their food drive donations.
- j) Councillor Broome-Plumley thanked the team responsible for the Terry Fox Run that was held over the past weekend. The team raised \$90,000.00 and the Councillor advised that she appreciated being part of the event.
- k) Councillor Broome-Plumley invited residents to attend the 9th Annual Princess and Pirate Party. Enjoy live entertainment, crafts, fun games, face painting, jumping castles, train rides, music, dancing, loot bags and theme activities. Dress as a princess or pirate for our indoor parade. Admission is \$5.00 per child – parents or guardians are free.
- l) Councillor Broome-Plumley advised that she would be hosting the monthly Ward 6 meeting on Wednesday, October 21, 2015 from 7:00 p.m. to 9:00 p.m. at the Newmarket Public Library.
- m) Councillor Bisanz thanked the residents who attended the Council Code of Conduct Public Consultation, in particular, one twelve year old girl who was a vocal attendee that provided very useful feedback.
- n) Councillor Bisanz advised that Create A Victorian Costume is a 2 day workshop at the Elman W. Campbell Museum, 134 Main Street South, from 1:30 p.m. to 3:30 p.m. on Saturday, October 17, 2015 and Saturday October 24, 2015. Learn about historic fabrics and see examples from the Museum collections. Discover heritage patterns, how to source fabrics, and put together materials from a thrift shop. Consult with an experienced 're-enactment seamstress' on using patterns to create your own Victorian costume. This workshop is suitable for men and women 18+ and is \$75.00 for residents and \$100.00 for non-residents. Registration is online at newmarket.ca using Quik-e-Link. For more information, call 905-953-5314 or e-mail elmanmuseum@rogers.com

- o) Mayor Van Bynen advised that planning is underway for the Town of Newmarket 2016 Budget. Get involved and advise Council on how you would like your tax dollars spent by completing the online interactive budget survey at <http://www.newmarket.ca/budget2016> Additional opportunities for feedback on the 2016 Budget will be provided in the upcoming weeks through Public Meetings. The next Public Meeting is a presentation of the Preliminary Draft Budget at Committee of the Whole on Tuesday October 20, 2015 at 1:30 p.m. in the Council Chambers, 395 Mulock Drive. You can also view this meeting online at www.newmarket.ca click on "Town Government", "Council Meetings", then "Agendas, Minutes and Meetings".
- p) Mayor Van Bynen advised that the Town of Newmarket Municipal Offices at 395 Mulock Drive will be closed on Thanksgiving Day, Monday, October 12, 2015.
- q) Mayor Van Bynen advised that the next Council meeting is Monday, October 26, 2015 at 7:00 p.m.

New Business

- a) Councillor Kerwin advised that he walked the Newmarket Cemetery Corporation lands with Mr. John Parkett and confirmed that the Town owns lands around the river which could potentially permit the construction of a railway.
- b) Councillor Kerwin encouraged residents to walk north on the Tom Taylor Trail and admire the trees planted in memory of individuals as they are maturing and look spectacular.
- c) Councillor Kerwin advised that courts four, five and six remain open at the Newmarket Community Tennis Courts through the month of October. He further congratulated Recreation and Culture for the new mat at the tennis courts at the Peter Gorman park.

Closed Session

Mayor Van Bynen advised that there was no requirement for a Closed Session.

Confirmatory By-law

42. Confirmatory By-law.

Moved by: Councillor Sponga

Seconded by: Councillor Bisanz

THAT By-law 2015-49 be enacted.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
(8 in favour, 0 opposed)

Carried

Adjournment

43. Adjournment.

Moved by: Councillor Sponga
Seconded by: Councillor Kerwin

THAT the meeting adjourn.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
(8 in favour, 0 opposed)

Carried

There being no further business, the meeting adjourned at 7:42 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

Monday, October 5, 2015 at 9:00 AM
Council Chambers

For consideration by Council
on October 20, 2015

The Council Workshop was held on Monday, October 5, 2015 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Deputy Mayor & Regional Councillor Taylor
Councillor Kerwin
Councillor Twinney
Councillor Broome-Plumley
Councillor Bisanz

Absent: Councillor Vegh
Councillor Hempen
Councillor Sponga

Staff Present: P. Noehammer, Acting Chief Administrative Officer
A. Moore, Commissioner of Corporate Services
I. McDougall, Commissioner of Community Services
S. Chase, Director of IT Innovation
R. Nethery, Director of Planning and Building Services
A. Brouwer, Director of Legislative Services/Town Clerk
L. Lyons, Deputy Clerk
L. Moor, Council/Committee Coordinator

Guests: Mr. Stephen O'Brien, City Clerk, City of Guelph
Ms. Carmen Hui, Streetscape Program Manager, York Region
Mr. Stephen Collins, Director, Infrastructure Mgmt. & PMO
Mr. Trevor McIntyre, Regional Director - IBI Group
Ms. Darlene Broderick, IBI Group

The Council workshop convened at 9:12 a.m.

Mayor Van Bynen in the Chair.

Mayor Van Bynen advised that in accordance with the Town's Procedure By-law, no decisions are to be made but rather this meeting is an opportunity for Council to have informal discussion regarding various matters.

Declarations of Pecuniary Interest

None.

Items

1. The Commissioner of Corporate Services introduced Mr. Stephen O'Brien, City Clerk, City Of Guelph who provided a PowerPoint presentation entitled 'Internet Voting, Guelph's Story'.

Moved by: Councillor Kerwin
Seconded by: Councillor Bisanz

THAT the PowerPoint resentation by Mr. Stephen O'Brien, City Clerk, City of Guelph entitled 'Internet Voting, Guelph's Story' be received.

Carried

2. The Director of Legislative Services/Town Clerk provided a PowerPoint presentation regarding Internet Voting.

Moved by: Councillor Bisanz
Seconded by: Councillor Broome-Plumley

THAT the PowerPoint presentation regarding Internet Voting by the Director of Legislative Services/Town Clerk be received.

Carried

3. Council Extract and Report 2013-43 dated November 29, 2013 regarding Voting Method Options, 2014 Municipal Election.

Moved by: Councillor Bisanz
Seconded by: Councillor Broome-Plumley

THAT the Council Extract and Report 2013-43 dated November 29, 2013 regarding Voting Method Options, 2014 Municipal Election be received.

Carried

The meeting recessed at 10:37 a.m.

The meeting reconvened at 11:03 a.m.

4. Ms. Carmen Hui, Streetscape Program Manager, York Region, Mr. Trevor McIntyre, Regional Director, IBI Group and Ms. Darlene Broderick, IBI Group addressed those present with a PowerPoint presentation regarding Yonge Street and Davis Drive Streetscape Master Plan.

Moved by: Councillor Bisanz
Seconded by: Councillor Twinney

THAT the PowerPoint presentation by Ms. Carmen Hui, Streetscape Program Manager, York Region, Mr. Trevor McIntyre, Regional Director, IBI Group and Ms. Darlene Broderick, IBI Group regarding Yonge Street and Davis Drive Streetscape Master Plan be received.

Carried

Adjournment

Moved by: Councillor Kerwin
Seconded by: Councillor Broome-Plumley

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 12:48 p.m.

Tony Van Bynen, Mayor

Lisa Lyons, Deputy Clerk

The Council Workshop was held on Tuesday, October 20, 2015 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Deputy Mayor & Regional Councillor Taylor
Councillor Vegh
Councillor Kerwin (9:22 to 11:43 a.m.)
Councillor Hempen
Councillor Broome-Plumley (9:12 to 11:43 a.m.)
Councillor Bisanz

Absent: Councillor Twinney
Councillor Sponga

Staff Present: R.N. Shelton, Chief Administrative Officer
A. Moore, Commissioner of Corporate Services
P. Noehammer, Commissioner of Development & Infrastructure Services
I. McDougall, Commissioner of Community Services
A. Brouwer, Director of Legislative Services/Town Clerk
L. Lyons, Deputy Clerk
L. Moor, Council/Committee Coordinator

Guest: Mr. D. Nitkin, EthicScan Canada Ltd.

The Council Workshop convened at 9:06 a.m.

Mayor Van Bynen in the Chair.

Mayor Van Bynen advised that in accordance with the Town's Procedure By-law, no decisions are to be made but rather this meeting is an opportunity for Council to have informal discussion regarding various matters.

Declarations of Pecuniary Interest

None.

Items

1. Council Code of Conduct.

The Director of Legislative Services/Town Clerk introduced Mr. David Nitkin, EthicScan Canada Ltd. who provided a PowerPoint presentation with respect to the Council Code of Conduct.

The meeting recessed at 10:16 a.m.

The meeting reconvened at 10:26 a.m.

Moved by: Councillor Kerwin
Seconded by: Councillor Hempen

THAT the PowerPoint presentation by Mr. David Nitkin, EthicScan Canada Ltd. regarding the Council Code of Conduct be received.

Carried

Adjournment

Moved by: Councillor Broome-Plumley
Seconded by: Councillor Bisanz

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 11:43 a.m.

Tony Van Bynen, Mayor

Lisa Lyons, Deputy Clerk



The meeting of the Committee of the Whole was held on Tuesday, October 20, 2015 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Deputy Mayor & Regional Councillor Taylor
Councillor Vegh
Councillor Kerwin
Councillor Twinney (1:30 to 6:17 p.m.)
Councillor Hempen
Councillor Sponga
Councillor Broome-Plumley (1:30 to 6:17 p.m.)
Councillor Bisanz

Staff Present: R.N. Shelton, Chief Administrative Officer
A. Moore, Commissioner of Corporate Services
I. McDougall, Commissioner of Community Services
P. Noehammer, Commissioner of Development and Infrastructure Services
A. Brouwer, Director of Legislative Services/Town Clerk
M. Mayes, Director of Financial Services/Treasurer
R. Nethery, Director of Planning and Building Services
D. Ruggle, Senior Planner, Community Planning
J. Unger, Assistant Director of Planning
C. Finnerty, Council/Committee Coordinator

The meeting was called to order at 1:30 p.m.

Mayor Van Bynen in the Chair.

Additions & Corrections to the Agenda

The Chief Administrative Officer advised of the addendum items, being the inclusion of presentation materials related to items 1 and 2 of the agenda, Joint CAO, Commissioners and Financial Services Report 2015-48 dated October 15, 2015 regarding Preliminary Draft Budgets for 2016, Heritage Newmarket Advisory Committee Minutes of June 9, 2015, and Corporate Services Report - Finance, Legal and Legislative Services Report 2015-17 dated October 15, 2015 regarding Municipal Legislation Review. He further advised that Item 3 of the agenda, being a PowerPoint presentation from the Director of Financial Services/Treasurer has been withdrawn.

Moved by: Councillor Hempen

Seconded by: Councillor Bisanz

THAT the items listed on the agenda as addendum items be included for consideration.

Carried

Declarations of Pecuniary Interest

- a) Councillor Broome-Plumley declared an interested in Item 22, being Corporate Services Report – Finance, Legal and Legislative Services 2015-17 regarding Municipal Legislation Review, specifically Item 1 as noted under Theme 2: Financial Sustainability as she is employed in the automotive industry.

Presentations & Recognitions

1. Ms. Mary-Frances Turner, President, Ms. Liza Sheppard, Senior Project Manager and Ms. Andrea Witty, Senior Project Manager (Yonge Street), York Region Rapid Transit addressed the Committee with a PowerPoint presentation which provided a summary of the project to date, including project timelines and outstanding items, public awareness and viva driver training initiatives and a status update on the Yonge Street project. Discussion ensued regarding notice of road closures, signage, boulevard tree planting and the business support program.

Moved by: Councillor Vegh

Seconded by: Councillor Kerwin

THAT the PowerPoint presentation by Ms. Mary-Frances Turner, President, Ms. Liza Sheppard, Senior Project Manager and Ms. Andrea Witty, Senior Project Manager (Yonge Street), York Region Rapid Transit regarding VivaNext Project Update and Commissioning be received.

Carried

2. Mr. Sandro Sementelli, San Michael Developments and Mr. Harry Kohn of Kohn Partnership Architects Inc. addressed the Committee with a PowerPoint presentation regarding a potential residential development that includes the current Hollingsworth Arena site.

Moved by: Councillor Kerwin
 Seconded by: Councillor Hempen

THAT the presentation by Mr. Sandro Sementelli, San Michael Developments and Mr. Harry Kohn of Kohn Partnership Architects Inc. be provided an additional five minutes.

Carried

Moved by: Councillor Hempen
 Seconded by: Councillor Kerwin

THAT the PowerPoint presentation by Mr. Sandro Sementelli, San Michael Developments and Mr. Harry Kohn of Kohn Partnership Architects Inc. regarding a potential development that includes the current Hollingsworth Arena site be received.

Carried

Deputations

None.

Consent Items

Moved by: Councillor Sponga
 Seconded by: Councillor Vegh

THAT the following items be adopted on consent:

3. Corporate Services Report - Financial Services 2015-44 dated October 19, 2015 regarding cancellation, reduction or refund of Property Taxes pursuant to the Municipal Act, 2001.
 - a) THAT Corporate Services Report - Financial Services 2015-44 dated October 19, 2015 regarding Property Tax Adjustments pursuant to the Municipal Act, 2001 be received and the property tax adjustments outlined in Appendix 1 (attached) be approved.
4. Newmarket Public Library Board Minutes of June 17, 2015 and July 15, 2015.
 - a) THAT the Newmarket Public Library Board Minutes of June 17, 2015 and July 15, 2015 be received.

5. Heritage Newmarket Advisory Committee Minutes of June 9, 2015.
 - a) THAT the Heritage Newmarket Advisory Committee Minutes of June 9, 2015 be received.
6. New Business Item b) of Heritage Newmarket Advisory Committee Minutes of June 9, 2015 regarding Community Mailbox Placement.
 - a) THAT the Heritage Newmarket Advisory Committee recommendation related to consultation on community mailbox placement be referred to staff.
7. New Business Item c) of the Heritage Newmarket Advisory Committee Minutes of June 9, 2015.
 - a) THAT the Heritage Newmarket Advisory Committee recommendation related to delegation of authority be referred to staff.

8. List of Outstanding Matters.

Recommendation:

- a) THAT the list of Outstanding Matters List be received.

9. Memorandum dated October 8, 2015 from the Director of Planning and Building Services regarding Feed-In Tariff (FIT) Program and Resolution:

WHEREAS capitalized terms not defined herein have the meanings ascribed to them in the FIT Contract, Version 3.1;

AND WHEREAS the Province's FIT Program encourages the construction and operation of rooftop solar PV generation projects (the "Projects");

AND WHEREAS one or more Projects may be subject to FIT Contracts and may be constructed and operated in the Town of Newmarket ("Local Municipality");

AND WHEREAS in accordance with the FIT Rules, Version 3.0, the Council of the Local Municipality ("Council") had previously indicated, by a resolution, its support for Projects in the Local Municipality (the "Prior Resolution");

AND WHEREAS Council now indicates, by a resolution dated no earlier than June 10, 2015, Council's continued support for the construction and operation of the Projects anywhere in the Local Municipality (the "New Resolution");

AND WHEREAS, pursuant to the FIT Contract, where a New Resolution is received in respect of the Projects in the Local Municipality, Suppliers will be recognized as fulfilling the requirements under Section 2.4(d)(vii) of the FIT Contract, which may result in Suppliers being offered Notice to Proceed in accordance with the terms of their respective FIT Contract(s);

NOW THEREFORE BE IT RESOLVED THAT:

Council of the Town of Newmarket supports the construction and operation of the Projects anywhere in the Town of Newmarket.

This resolution's sole purpose is to enable Suppliers to achieve Notice to Proceed under their FIT Contracts and may not be used for the purpose of any other form of municipal approval in relation to a FIT Contract or Project or for any other purpose.

This resolution shall expire twelve (12) months after its adoption by Council.

Carried

The Committee of the Whole recessed at 2:58 p.m.

The Committee of the Whole reconvened at 3:10 p.m.

10. Corporate Services Report - Finance, Legal and Legislative Services Report 2015-17 dated October 15, 2015 regarding Municipal Legislation Review.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor
Seconded by: Councillor Bisanz

a) THAT Corporate Services Report - Finance, Legal and Legislative Services 2015-17 dated October 15, 2015 regarding Municipal Legislation Review be received and the following recommendation be adopted;

i) THAT the recommendations, excluding Items 1 and 3 under Theme 2: Financial Sustainability be endorsed and forwarded to the Province of Ontario as the Town of Newmarket's comments with respect to the municipal legislation review.

Carried

Moved by: Councillor Twinney
 Seconded by: Councillor Kerwin

a) THAT the recommendations contained in Item 1 of Theme 2: Financial Sustainability be endorsed and forwarded to the Province of Ontario as the Town of Newmarket's comments with respect to the municipal legislation review.

Carried

Councillor Broome-Plumley did not take part in the discussion or voting of the foregoing matter.

Closed Session

Moved by: Deputy Mayor & Regional Councillor Taylor
 Seconded by: Councillor Sponga

THAT the meeting convene into Closed Session for the purpose of discussing proposed or pending acquisition or disposition of land by the municipality or local board and labour relations as per Sections 239 (2) (c) (d) of the Municipal Act.

Carried

The Committee resolved into Closed Session at 3:30 p.m.

The Committee of the Whole (Closed Session) Minutes are recorded under separate cover.

The Committee of the Whole resumed into Public Session at 5:15 p.m.

11. Community Services - Recreation and Culture Report 2015-28 dated September 16, 2015 regarding Hollingsworth Arena Replacement Follow-Up.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor
 Seconded by: Councillor Kerwin

a) THAT Community Services - Recreation and Culture Report 2015-28 dated September 16, 2015 regarding Hollingsworth Arena Replacement Follow-Up be received and the following recommendations be adopted:

1. THAT staff work with Pickering College to:

- i) Finalize an agreement subject to Council approval with respect to capital and operating costs regarding a replacement arena at Pickering College;
- ii) Bring back a professionally prepared project estimate and recommended capital and operating agreement to Council for review within the next 45 days;

2. AND THAT staff initiate a public process addressing a replacement arena and proposed disposition of land at Hollingsworth Arena.

Carried

- 12. Joint Chief Administrative Officer, Commissioner of Development and Infrastructure Services, Commissioner of Community Services and Commissioner of Corporate Services Report 2015-57 dated October 6, 2015 regarding Hollingsworth Arena Corridor Development and Community Benefit Opportunity.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Kerwin

a) THAT Joint Chief Administrative Officer and Commissioners of Development and Infrastructure Services, Community Services and Corporate Services Report 2015-57 dated October 6, 2015 regarding Hollingsworth Arena Corridor Development and Community Benefit Opportunity be received and the following recommendations be adopted:

i) THAT Staff continue negotiations with San Michael Homes Developments according to conditions set out by Council and execute a conditional Letter of Intent with the proponent to the satisfaction of Legal Services, with respect to the development of the Hollingsworth Arena site at 35 Patterson Street in conjunction with the properties at 693 Davis Drive and 713 Davis Drive on the basis of a sale of the Town property;

ii) AND THAT staff be directed to proceed with public consultation on a detailed concept plan provided by the developer and that finalization of the Letter of Intent be subject to this process;

iii) AND THAT the sale of the Hollingsworth Arena site be subject to Council's satisfaction with the financial terms presented in Closed Session Report 2015-54 on this meeting's agenda;

iv) AND THAT the next steps associated with the replacement of Hollingsworth Arena be determined through consideration of Community Services – Recreation and Culture Report 2015-28;

v) AND THAT the sale of the Hollingsworth Arena site be conditional on Council's declaration of the property as surplus to municipal needs and staff being directed to follow the Town's land disposition process as summarized in this report;

vi) AND THAT Mr. Sandro Sementilli of San Michael Developments and Pickering College be notified of this action by the Clerk.

Carried

13. Joint CAO, Commissioners and Financial Services Report 2015-48 dated October 15, 2015 regarding Preliminary Draft Budgets for 2016.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Sponga

a) THAT Joint CAO, Commissioners and Financial Services Report 2015-48 dated October 15, 2015 regarding Preliminary Draft Budgets for 2016 be received for information purposes;

b) AND THAT that any tax increase (Town portion), not including the Asset Replacement Fund allocation, not exceed 2.5%.

Carried

14. Joint Office of the CAO - Strategic Initiatives and Corporate Services Commission - Legislative Services Report 2015-10 dated September 3, 2015 regarding Corporate Policy Approval Authority Framework.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Vegh

a) THAT Joint Office of the CAO - Strategic Initiatives and Corporate Services Commission - Legislative Services Report 2015-10 dated September 3, 2015 regarding Corporate Policy Approval Authority Framework be received and the following recommendations, be adopted:

i) THAT Council adopt Corporate Policy CAO.1-06 'Corporate Policy Approval Authority Framework' attached as Appendix 'A,' as amended to reflect:

a) That new policies within the jurisdiction of the CAO be forwarded to Council for delegation;

ii) AND THAT amendments to the Economic Adjustment Policy be considered by Council;

iii) AND THAT the Delegation By-law be updated to reflect these items of delegated authority.

Carried

Action Items

15. Corporate Services Commission Report - Legislative Services 2015-11 dated September 3, 2015 regarding 'Housekeeping Matters: Regular Meeting Schedule, Procedure By-law and Municipal Flag Policy'.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Kerwin

a) THAT Corporate Services Commission Report - Legislative Services 2015-11 dated September 3, 2015 regarding the 'Housekeeping Matters: Regular Meeting Schedule, Procedure By-law and Municipal Flag Policy' be received and the following recommendations be adopted:

i) THAT Council adopt the recommended housekeeping amendments to the Procedure By-law (By-law 2013-46) outlined in Appendix A;

ii) AND THAT the deputation section be amended to provide that:

a) An individual may make a deputation at a Meeting of Council or Committee of the Whole related to any matter of municipal business or community interest within sixty (60) days of submitting a Deputation and Further Notice Request Form to the Clerk;

b) That the Clerk be granted the authority to determine appropriate scheduling of such deputations within the prescribed time frame;

c) Deputations will not be heard on a matter decided upon by Council until ninety (90)

days have passed from the date of the matter's disposition by Council, except upon a vote in the affirmative of two thirds majority of Council;

iii) AND THAT Council adopt the recommended housekeeping amendments to the Municipal Flag Policy outlined in Appendix C in highlight.

Carried

Correspondence & Petitions

None.

Reports by Regional Representatives

None.

Notices of Motion

None.

Motions

16. Motion - Regional Councillor & Deputy Mayor Taylor

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Sponga

In keeping with recommendations in the Recreation Playbook, staff be directed to investigate the potential for an outdoor arena in the Town of Newmarket. The analysis should examine options for the rink, including amenities, costs, location criteria and potential funding sources. The report is to be brought back to Committee of the Whole within 120 days.

Carried

New Business

- a) Councillor Vegh advised that he has received inquiries regarding the outstanding traffic management study and requested an update to advise when the study would be before Council. The Commissioner of Development and Infrastructure Services advised that he will look into the matter and provide an update by e-mail.

- b) Councillor Sponga advised that he has been contacted regarding a safety concerns associated with the installation of residential propane tanks for heating purposes. He further advised that, in communication with staff, that the Town has no by-law or planning provisions associated with this type of residential home heating installation.

Moved by: Councillor Sponga
 Seconded by: Councillor Hempen

THAT staff research and advise Council regarding potential municipal regulation of propane tank installation for home heating purpose.

Carried

- c) Councillor Kerwin inquired when the west side of the Tom Taylor Trail will reopen. The Commissioner of Development and Infrastructure Services advised that the trail has recently reopened to the public; however there are some final works to be completed.
- d) Councillor Kerwin requested an update on the construction of the sidewalk on the east side of Leslie Street. The Commissioner of Development and Infrastructure Services advised that the project has been delayed and is anticipated to be completed in 2016.
- e) Councillor Kerwin inquired on the status of construction on Arnold Street. The Commissioner of Development and Infrastructure advised that he would look into the matter and provide a response by e-mail.
- f) Councillor Kerwin inquired on the status of construction on Srigley Street. The Commissioner of Development and Infrastructure advised that he would look into the matter and provide a response by e-mail.
- g) Councillor Sponga inquired where the bench from the west side of the Tom Taylor Trail will be located. The Commissioner of Development and Infrastructure advised that he would look into the matter and provide a response.

Public Hearing Matter

17. Development and Infrastructure Services Report - Planning and Building Services Report 2015-37 and related Council Extract, Public Meeting Notice regarding a Proposed Technical Amendment to the Town's comprehensive Zoning By-law.

The Deputy Clerk welcomed the public to the Committee of the Whole meeting. She

advised that the Planning Act requires the Town to hold at least one Public Meeting on any proposed Zoning By-law Amendment.

The Deputy Clerk advised that the purpose of the Public Meeting was to hear from anyone who has an interest in the proposed technical amendment to the comprehensive Zoning By-law. This zoning by-law amendment is to correct a transcription error specifically as it relates to the rear yard minimum building setback for lands located within the Copper Hills subdivision, on the east side of Leslie Street, south of Mulock Drive. Specifically the lots affected are 105, 106, 107, 188, 119, 120, 140, 141, 142, 157 and 158 on Registered Plan 65M-4378.

She further advised that the Committee of the Whole would not be making a decision regarding the proposed amendments, but would refer all written and verbal comments to Planning Staff to consider in a report that will be brought forward to a future Committee of the Whole or Council meeting.

The Deputy Clerk advised that if anyone present wished to be notified of subsequent meetings, or if making a presentation, to please complete a form with your name and address and submit it to the Clerk's staff.

The Deputy Clerk noted that in accordance with the *Planning Act*, the Ontario Municipal Board may dismiss an appeal without holding a hearing, if the appellant failed to make either oral submission at the Public Meeting or provide written submissions to Council prior to adoption.

She thanked everyone for their participation and interest in the meeting.

18. The Senior Planner – Community Planning provided a PowerPoint presentation regarding the Town initiated Zoning amendment. He provided an overview of the proposal which included background information related to a previous Ontario Municipal Board decision on the subject lands. He further advised that the site specific amendment for the subject lots was inadvertently omitted and the purpose of the technical amendment is to reestablish a 45 metre setback for the subject lands.
19. Mr. Michael Larkin, resident, advised that he was involved in the previous Ontario Municipal Board process related to the subject lands and provided background information and history on the how the 45 metre setback was determined and potential compatibility conflicts should the setbacks be reduced.
20. Mr. Robert Forhan, resident, commented that there should be no change to the previously established and agreed upon 45 metre setback.
21. Mr. Perry, resident, advised that substantial modifications will be required to the

subject lands in order to permit development and emphasized the importance of retaining a 45 metre setback.

Moved by: Councillor Vegh
Seconded by: Councillor Kerwin

THAT Development and Infrastructure Services Report - Planning and Building Services Report 2015-37 and related Council Extract, Public Meeting Notice regarding a Proposed Technical Amendment to the Town's comprehensive Zoning By-law and all deputations be received.

Carried

The Director of Planning and Building Services advised of the next steps associated with the application.

Adjournment

Moved by: Councillor Sponga
Seconded by: Councillor Kerwin

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 7:22 p.m.

Tony Van Bynen, Mayor

Lisa Lyons, Deputy Clerk



LEGISLATIVE SERVICES
Town of Newmarket
 395 Mulock Drive
 P.O. Box 328, STN Main
 Newmarket, ON L3Y 4X7

www.newmarket.ca
 info@newmarket.ca
 T: 905 895.5193
 F: 905 953 5100

MEMORANDUM

TO: Mayor Van Bynen & Members of Council

FROM: Andrew Brouwer, Director of Legislative Services/Town Clerk

DATE: October 22, 2015

RE: **Corporate Policy Approval Authority Framework
 (Corporate Policy CAO.1-06)**

At the October 20, 2015 Committee of the Whole meeting, the following motion was passed in reference to Joint Office of the CAO – Strategic Initiatives and Corporate Services Commission Legislative Services Report 2015-10 “Corporate Policy Approval Framework”:

- 1) THAT Council adopt Corporate Policy CAO.1-06 ‘Corporate Policy Approval Authority Framework’ attached as Appendix ‘A,’ as amended to reflect:
 - a. A process whereby any member of Council may request new policies within the jurisdiction of the CAO be placed on a Committee of the Whole agenda for consideration;
- 2) AND THAT amendments to the Economic Adjustment Policy be considered by Council;
- 3) AND THAT the Delegation By-law be updated to reflect these items of delegated authority.

Based on the recommendations of the Committee of the Whole in clause 1) a., I have prepared amended draft Corporate Policy CAO.1-06 ‘Corporate Policy Approval Authority Framework,’ as attached (amendments shown in highlight).

For further information, please contact me at 905-953-5300, ext. 2211 or abrouwer@newmarket.ca.

Andrew Brouwer, Director of Legislative Services/Town Clerk



CORPORATE POLICY

Sub Topic: Corporate Policy Approval
Authority Framework

Policy No.: CAO.1-06

Topic: Governance

Employees Covered: All Employees
and Elected Officials

Section: CAO

Approval Authority: Council

Adoption Date:

Effective Date:

Revision No:

Date:

Policy Statement & Strategic Plan Linkages

Council and Administration of the Town of Newmarket will support the Community Vision of being a community well beyond the ordinary by implementing policies, programs and procedures that reflect the efficient management of municipal services, and sound and accountable governance, aligning with the Strategic Plan direction of Well-Equipped and Managed.

Purpose

This Policy provides:

- 1) Authority for Council to approve new and amended corporate policies of a governance nature in line with the role of Council established by the *Municipal Act, 2001* and relevant Town by-laws, including but not limited to:
 - a. Policies affecting the Town's governance and Members of Council;
 - b. Policy matters directed by Council or requiring Council's approval;
 - c. Policies substantively impacting customer service levels;
 - d. "Outward" facing policies affecting residents and businesses; and,
 - e. Policies related to financial sustainability.

- 2) Authority for the Chief Administrative Office (CAO) to approve new and amended corporate policies of an administrative nature in line with the role of the CAO established by the *Municipal Act, 2001*, Delegation of Authority By-law

and other relevant Town by-laws provided the impact of the corporate policy is within the relevant Council-approved budget, including but not limited to:

- a. Administrative matters; and,
 - b. Employment and working conditions.
- 3) Authority for the CAO to approve new and amended procedures and appendices which implement CAO and Council-approved policies.
 - 4) Despite the authority granted to the CAO in 2) and 3), the CAO may request Council input and/or approval.
 - 5) A process to advise Council of CAO Approved Corporate Policies, including the opportunity for any Member of Council to request that the corporate policy be considered at an upcoming Committee of the Whole meeting (see Appendix A);
 - 6) That CAO and Council approved corporate policies and procedures/appendices references in a corporate policy be posted on the Town of Newmarket's website.

Cross-References

Corporate Policy Index

Appendices (which may be amended from time to time)

Appendix 'A' – Process for Advising Council of CAO Approved Corporate Policies

Appendix 'A' – Process for Advising Council of CAO Approved Corporate Policies

A: New CAO-approved policies:

1. Prior to the intended effective date, the CAO or designate shall circulate an email or memorandum together with the new corporate policy to all Members of Council advising of, at a minimum:
 - a. The purpose and impacts of the corporate policy;
 - b. Intended effective date;
 - c. How the impacts of the corporate policy will be reported on corporately;
 - d. The opportunity for any Member of Council to request that the corporate policy be considered at an upcoming Committee of the Whole meeting; and,
 - e. Appropriate staff contact for a Member of Council to seek further information.

B: Amendments to CAO-approved policies of a substantive nature:

1. Prior to the intended effective date, the CAO or designate shall circulate an email or memorandum together with the amendment to the CAO-approved corporate policy of a substantive nature to all Members of Council advising of, at a minimum:
 - a. The purpose and impacts of the corporate policy amendment;
 - b. Intended effective date;
 - c. How the impacts of the corporate policy amendment will be reported on corporately;
 - d. The opportunity for any Member of Council to request that the corporate policy be considered at an upcoming Committee of the Whole meeting; and,
 - e. Appropriate staff contact for a Member of Council to seek further information.

CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2015-50

A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND COMMITTEE MEETINGS.

WHEREAS Section 238(2) of the *Municipal Act, 2001* provides that every municipality shall pass a procedure by-law for governing the calling, place, and proceedings of Meetings;

AND WHEREAS the Council of the Town of Newmarket considers it necessary to enact a by-law in this regard and to repeal Procedure By-law Number 2013-46;

THEREFORE BE IT ENACTED by the Council of the Town of Newmarket as follows:

1. Definitions

In this Procedure By-law:

- a) **"Bourinot's Rules of Order"** means Stanford, Geoffrey (1995-05-08) *Bourinot's Rules of Order: A Manual on the Practices and Usages of the House of Commons of Canada and on the Procedure at Public Assemblies, Including Meetings of Shareholders* (4 ed.), ISBN 978-0-7710-8336-5, or a subsequent edition of the same;
- b) **"CAO"** means the Chief Administrative Officer of the Town or his/her designate;
- c) **"Chair"** means the Presiding Officer of Council or a Committee;
- d) **"Clerk"** means the Clerk of the Town or his/her designate;
- e) **"Code of Conduct"** means a by-law to establish a Council Code of Conduct, as amended from time to time;
- f) **"Commissioner"** means a Commissioner of the Town or his/her designate;
- g) **"Committee"** means a Committee, Board, Task Force or other body constituted and appointed by Council, including the Committee of the Whole, with the exception of the Newmarket Public Library Board;
- h) **"Committee of the Whole"** is a Committee of Council comprised of all Members of Council that serves as the principal forum for the consideration of recommendations and public input on matters of Council business prior to consideration by Council;
- i) **"Confirmatory By-law"** means a by-law passed for the purpose of giving general effect to a previous decision or proceeding of Council;
- j) **"Council"** means the Council of the Town of Newmarket;
- k) **"Friendly Amendment"** means the motion under debate is amended with the consent of the mover and seconder, and without the requirement for an amending motion to be made;
- l) **"Local Board"** means a local board defined by the *Municipal Act*;

- m) **“Majority”** means more than half of the Members present, or:
- i) If 9 Members present: 5
 - ii) If 8 Members present: 5
 - iii) If 7 Members present: 4
 - iv) If 6 Members present: 4
 - v) If 5 Members present: 3
- n) **“Mayor”** means the Mayor of the Town;
- o) **“Meeting”** means any legally constituted Meeting of Council or a Committee;
- p) **“Member”** means a Member of Council or a Committee;
- q) **“Municipality”** means the Corporation of the Town of Newmarket;
- r) **“Municipal Office”** means the Town’s administrative office at 395 Mulock Drive, Newmarket, Ontario;
- s) **“New Business”** means a matter of New Business raised by a Member at a Meeting as defined in Section 54 of this Procedure By-law;
- t) **“Notice”** means written Notice, except where legislation, by-law or Corporate Policy provides for another form and manner of Notice;
- u) **“Notice of Motion”** means the process followed by an individual Member of Council to put forward a motion provided for in Section 40 of this Procedure By-law;
- v) **“Offending Member”** means a Member who has been found by the Chair or by Council or by a Committee to have disobeyed a rule in this Procedure By-law or a Chair’s ruling;
- w) **“Open Forum”** means an informal opportunity to address Council prior to the formal Council meeting as set out in Section 22 of this Procedure By-law;
- x) **“Petition”** means a formal written request that appeals to Council with respect to a particular issue as set out in Section 33 of this Procedure By-law;
- y) **“Point of Order”** means a motion drawing attention to an infraction of this Procedure By-law;
- z) **“Point of Personal Privilege”** means a motion raised by a Member which concerns the health, safety, rights, or integrity of the Member, the Council, a Committee or anyone present at a Meeting;
- aa) **“Police”** means an officer(s) of the York Regional Police Service or their designate(s);
- bb) **“Procedural Matter”** means a matter or motion of a procedural nature;
- cc) **“Property”** in Section 9 a) i) is defined broadly to include physical, financial and intellectual property, among other things;
- dd) **“Public Hearing”** means a Meeting held pursuant to the *Planning Act* or other statute;
- ee) **“Quorum”** means the number of Members required for the legal conduct of the business of Council or a Committee. In the case of Meetings of Council and Committee of the Whole, quorum is five (5) Members;

- ff) **“Recording Secretary”** means the person designated to record the minutes of a Committee meeting;
- gg) **“Solicitor”** means the Solicitor of the Town or his/her designate;
- hh) **“To adjourn”** means to end a Meeting;
- ii) **“To amend”** means to alter a motion in a germane manner;
- jj) **“To call the vote”** or **“To put the question to a vote”** means to stop debate and immediately proceed to vote on the motion;
- kk) **“To defer”** means to postpone all discussion on a matter until a future date or time, one which is established as part of the motion;
- ll) **“To receive”** means to acknowledge the receipt of a matter before Council or a Committee, with no expectation of any future action being taken;
- mm) **“To recess”** means to suspend a Meeting for a specified length of time;
- nn) **“To refer”** means to direct a matter under discussion by Council or a Committee to staff or another Committee for further examination or review;
- oo) **“To table”** means to postpone a matter without setting a definite date for future discussion of a matter. A tabled motion that has not been decided on by Council during the term of Council in which the motion was introduced is deemed to have been withdrawn;
- pp) **“Town”** means the Corporation of the Town of Newmarket;
- qq) **“Two Thirds Majority”** means 2/3 of the Members present, or:
 - i) 2/3 of 9: 6
 - ii) 2/3 of 8: 6
 - iii) 2/3 of 7: 5
 - iv) 2/3 of 6: 4
 - v) 2/3 of 5: 4

2. Purpose

- a) This By-law (referred to as the “Procedure By-law”) establishes the rules of order for Council and Committee Meetings.

3. Principles of the Procedure By-law

- a) The principles of openness, transparency and accountability to the public guide the Town’s decision-making process. In the context of Council and other Committee proceedings, this is accomplished by:
 - i) Ensuring the decision-making process is understood by the public and other stakeholders;
 - ii) Providing access to information and opportunities for input by the public and other stakeholders consistent with the requirements of this By-law and other statutory requirements;
 - iii) Exercising and respecting individual and collective roles and responsibilities provided for in this Procedure By-law and other statutory requirements.

- b) The protection of basic rights by recognizing the right of the majority to decide, the minority to be heard and individuals to have the opportunity to participate.
- c) The principles of parliamentary law governing Council and Committee Meetings include:
 - i) The majority of Members have the right to decide;
 - ii) The minority of Members have the right to be heard;
 - iii) All Members have the right to information to help make decisions, unless otherwise prevented by law;
 - iv) All Members have a right to an efficient Meeting;
 - v) All Members have the right to be treated with respect and courtesy; and,
 - vi) All Members have equal rights, privileges and obligations.

4. Application

- a) The rules of order contained in this Procedure By-law set out the rules of order for the dispatch of business in Council and Committee Meetings.

5. Interpreting the Procedure By-law

- a) In the event of conflict between this Procedure By-law and legislation, the provisions of the legislation prevail.
- b) A specific statement or rule in this Procedure By-law has greater authority than a general one.
- c) If there is a conflict between two or more rules in this Procedure By-law, or if there is no specific rule on a matter, the Chair will rule. In making a ruling, the Chair may consult the Clerk, rely on previous rulings and practices, or refer to Bourinot's Rules of Order.

6. Suspension of Rules

- a) Rules of order provided for in this Procedure By-law may be suspended by a Two Thirds Majority vote of Council or a Committee, with the exception of the following circumstances:
 - i) Where required by law;
 - ii) Contractual agreements binding the Town;
 - iii) Amending this Procedure By-law; and,
 - iv) Quorum requirements.

7. Majority Vote

- a) Unless this Procedure By-law states otherwise, a matter passes when a Majority of Members present vote in the affirmative.

8. Meetings

- a) **Location and Schedule of Meetings of Council, Committee of the Whole and other Committees**
 - i) Meetings of Council and Committee of the Whole take place at the Municipal Office or at another location adjacent to the Municipality or as provided for in the *Municipal Act, 2001*, as amended when Notice is given.

- ii) Subsequent to a regular election, the inaugural Meeting of a newly elected Council is held at a date and time fixed by the Clerk after the Members of Council take office. This inaugural Meeting must occur no later than thirty-one days after Council's term commences pursuant to the *Municipal Elections Act, 1996*, as amended.
- iii) Council approves a schedule of regular Meetings of Council and Committee of the Whole for each calendar year, which may be amended. The schedule of Meetings is made available to the public on the Town's website and from the Municipal Office.
- iv) The Meeting schedule of all other Committees is determined by its Members, in accordance with each Committee's terms of reference and/or prescribed mandate.

b) Notice of Meetings of Council and Committee of the Whole

The Clerk gives Notice of a Meeting of Council or Committee of the Whole by:

- i) Providing Council with a regular agenda on each Thursday preceding a Meeting day of Council and each Thursday ten days in advance of a Meeting day of a Committee of the Whole.
- ii) Providing Council with regular addenda on each Thursday preceding Council and on each Thursday preceding the Meeting day of the Committee of the Whole.
- iii) Providing Council with additional regular addenda up to and including the Meeting days of Council or Committee of the Whole.
- iv) Where required, providing Council with a closed session agenda in accordance with the publishing timeframes set out of regular, addenda and additional addenda set out in Sections 8b) i), ii) and iii).
- v) Providing Council with additional regular addenda and closed session agendas up to and including the Meeting days of Council or Committee of the Whole.

c) Notice of Meetings of Other Committees

The Clerk, Recording Secretary, Chair or other assigned person gives Notice of Meetings of other Committees by:

- i) Providing an agenda to Committee Members prior to the Meeting.
- ii) Time permitting, posting a Notice on the Town's website that indicates the date and time of the Meeting of the other Committee.
- iii) Posting on the Town's regular advertising page in the local newspaper, regular Meetings of the Joint Council Committee (Central York Fire Services).

d) Special Meetings of Council or Committee of the Whole

A special Meeting of Council or Committee of the Whole may be called by the Mayor at any time. A special Meeting of Council or Committee of the Whole is limited to business matters included in the Notice of Meeting.

When the Clerk receives a petition signed by a majority of the Members of Council, a special Meeting of Council or Committee of the Whole is called for the purpose and time identified in the Petition. The Petition shall include:

- i) Original signatures of Members ; and,
- ii) A clear statement of the purpose of the special Meeting.

e) Notice of Special Meetings of Council or Committee of the Whole

The Clerk gives Notice of special Meetings of Council or Committee of the Whole by:

- i) Providing Council with an agenda in person, by telephone, by mail, or electronic mail at least 24 hours prior to the Meeting.
- ii) Posting a Notice on the Town's website and time permitting, on the Town's regular advertising page in the local newspaper that indicates the date and time of the Meeting of Council or Committee of the Whole.
- iii) Where ii) cannot be achieved, posting a Notice at the main entrance to the Municipal Office that indicates the date and time of the special Meeting of Council or Committee of the Whole and the general nature of the matters to be discussed.

f) Emergency Meetings of Council or Committee of the Whole

Notwithstanding any other provision in this Procedure By-law, the Mayor may, at any time, call or provide Notice of an emergency Meeting of Council or Committee of the Whole. An emergency Meeting of Council or Committee of the Whole is limited to business matters included in the Notice of Meeting.

g) Notice of Emergency Meetings of Council or Committee of the Whole

The Clerk gives Notice of emergency Meetings of Council or Committee of the Whole by:

- i) Providing Notice to Council in person, by telephone, by electronic mail, or in the form of an agenda that indicates the date and time of the Meeting and general nature of the matters to be discussed.
- ii) Posting a Notice at the main entrance to the Municipal Office that indicates the date and time of the Meeting and general nature of the matters to be discussed.

h) Workshop Meetings

- i) The Mayor and/or CAO may convene a workshop Meeting for Members of Council to discuss issues in an informal venue. With the exception of Procedural Matters, no motions are passed and no matter is discussed which advances the business of the Municipality.
- ii) A record describing, in general terms, the proceedings and the subject matter discussed is made at all workshop Meetings and placed on a future Council agenda to be received only for the purposes of information.

i) Notice of Workshop Meetings

The Clerk gives Notice of workshop Meetings of Council by:

- i) Providing, at least 24 hours in advance, Notice to Council in person, by telephone, by mail or electronic mail that indicates the date and time of the workshop Meeting and the general nature of the matters to be discussed.
- ii) Posting a Notice on the Town's website and time permitting on the Town's regular advertising page in the local newspaper that indicates the date and time of the workshop Meeting and general nature of the matters to be discussed.
- iii) Where ii) cannot be achieved, posting a Notice at the main entrance to the Municipal Office that indicates the date and time of the workshop Meeting and general nature of the matters to be discussed.

j) Cancellation or Postponement of Meetings

A regular, special, or emergency Meeting of Council or Committee of the Whole or a workshop Meeting of Council may be cancelled or postponed where Quorum cannot be achieved, by Council resolution, in the event of an emergency, or where the Meeting is no longer required, as deemed by the Mayor and/or CAO.

The Clerk gives Notice on the Town's website and time permitting, through The Town's regular page in the local newspaper of a cancellation or postponement of a regular, special, or emergency Meeting of Council or Committee of the Whole or a workshop Meeting. Where time is limited, a Notice is posted at the main entrance to the Municipal Office.

Meetings of other Committees may be cancelled or postponed by the Clerk, Recording Secretary, Chair or other assigned person where Quorum cannot be achieved, by Committee resolution, or in the event of an emergency.

k) Invalidation of Notice of Meeting

If a Meeting Notice is substantially given, but varies from the form and manner provided in this Procedure By-law, the ability to hold the Meeting and the actions taken at the Meeting are not invalidated.

l) Quorum

- i) Members of Council will attempt to advise the Clerk at least two days in advance if unable to attend a Meeting of Council, Committee of the Whole or a workshop Meeting. If Quorum cannot be met, the Meeting is cancelled and Council is advised by the Clerk.
- ii) If no Quorum is present within fifteen (15) minutes after the time appointed for a Meeting of Council, Committee of the Whole or a workshop Meeting, the Clerk records the names of the Council Members present and the Meeting is adjourned until the date of the next regular Meeting.
- iii) Where there is an insufficient number of Members of Council present to achieve Quorum at a Meeting of Council, Committee of the Whole or a workshop Meeting due to a provision of the *Municipal Conflict of Interest Act*, the remaining Members of Council constitute Quorum, provided such number is not less than two (2).
- iv) Members of other Committees will attempt to advise, at least two days in advance, the Clerk, Recording Secretary, Chair or other assigned person if unable to attend a Committee Meeting. If Quorum cannot be met, the Meeting is cancelled and the Committee is advised by the Clerk, Recording Secretary, Chair or other assigned person.
- v) If no Quorum is present within 15 minutes after the time appointed for a Meeting of an other Committee, the Meeting is adjourned until the date of its next regular Meeting. Remaining Committee Members may have an informal discussion on matters, but no motions are passed or actions taken. The Clerk, Recording Secretary or other assigned person will not be required to remain for the informal discussion.

m) Late Arrival

If a Member arrives late at a Meeting, any prior discussion is not reviewed without the consent of the Members present.

9. Open & Closed Meetings

a) Open & Closed Meetings

All Meetings of Council or a Committee are open to the public. As provided for in the *Municipal Act*, Council or a Committee may resolve into a session closed to the public in order to discuss matters related to one or more of the following:

- i) The security of the property of the Municipality or Local Board;
- ii) Personal matters about an identifiable individual, including municipal employees 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; and,
- vii) A matter in respect of a Council, Board, Committee or other body may hold a closed Meeting under an Act other than the *Municipal Act*.

b) Council or a Committee may also resolve into a Meeting closed to the public for the following purposes:

- i) The Meeting is held for the purpose of educating or training Members, provided that no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council or a Committee.

c) Before holding a Meeting or part of a Meeting closed to the public, Council or a Committee approves a motion, stating the following:

- i) The fact that the Meeting will be closed to the public as provided for in the *Municipal Act*; and,
- ii) The general nature of the matter to be considered at the Meeting closed to the public.

d) Voting during Meetings Closed to the Public

No vote will be taken at a Meeting as described in Section 9 c) of this Procedure By-law, and which is closed to the public, unless:

- i) The subject matter relates to an issue as described in Section 9 a) of this Procedure By-law; and,
- ii) The vote is for a procedural matter, or for giving directions or instructions to officers, employees or agents of the Municipality, or persons retained by or under contract with the Municipality.

e) Notice of Meetings Closed to the Public

Where a matter may be considered by Council or a Committee for discussion in closed session, wherever possible, written Notice provided for in Section 8 of this Procedure By-law will include:

- i) The fact that the Meeting will be closed to the public as provided for in the *Municipal Act*;
- ii) The general nature of the matter to be considered at the closed Meeting.

f) Reporting Out & Confidentiality of Closed Session Discussions

- i) A summary of any discussion held in closed session and any required vote will occur following the closed session discussion of Council or a Committee Meeting. In the case of Committee of the Whole Meetings, communication of closed session discussions will occur at Council Meetings.
- ii) The summary of closed session discussion and vote will provide sufficient detail without detrimentally affecting the confidentiality of the matter(s) discussed in closed session and the position of the Municipality.
- iii) No Member shall disclose or discuss, through written, electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council or a Committee until such time that Council or a Committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the Head or designate under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) or if directed to do so by a court.

g) Application of Open & Closed Meeting Provisions to all Committees

- i) The provisions of Section 239 of the *Municipal Act* and Sections 9 a), b), and c) of this Procedure By-law apply to all Committees, despite Section 238 of the *Municipal Act*.

h) Closed Meeting Investigation

A person may request that an investigation be undertaken to determine whether Council or other Committee complied with the requirements of the *Municipal Act* and this Procedure By-law in respect of a Meeting or part of a Meeting closed to the public. A person may initiate such a request by:

- i) Completing and submitting a copy of the "Application for Investigation of Closed Meetings" form, which is available on the Town's website or from the Municipal Office.

10. Chair of Meeting

- a) The Chair of a Meeting of Council, Committee of the Whole or a workshop Meeting is the Mayor. In the absence of the Mayor, the Acting Mayor is Chair as provided for in Section 61 of this Procedure By-law.
- b) The Chair and any Vice Chairs of other Committees are appointed from among their Members.

11. Duties of the Chair

- a) The Chair is responsible for, where applicable:
 - i) Chairing the Meeting in an objective manner in accordance with this Procedure By-law;
 - ii) Enforcing the rules of order in this Procedure By-law;
 - iii) Enforcing order and good behaviour of all Members at all times;
 - iv) Announcing the business before Council or a Committee and the order in which it is to be considered;
 - v) Receiving, stating and framing all motions presented to clarify their intent as moved;
 - vi) Ruling on whether a motion is in order;

- vii) Protecting Council or a Committee from a motion that is obviously frivolous or tending to cause delay by refusing to acknowledge the motion;
- viii) Providing information to Members on any matter related to the business of Council or a Committee;
- ix) Deciding all questions of order at the Meeting, subject to an appeal by any Member to the Council or a Committee on any question of order in respect to business before the Council or a Committee;
- x) Deciding to acknowledge, and ruling on, whether a Point of Order or Point of Personal Privilege is in order;
- xi) If a Point of Order or Point of Personal Privilege is in order, ruling on the Point of Order or Point of Personal Privilege and giving the facts, circumstances and reasons for the ruling as set out in Sections 59 and 60 of this Procedure By-law;
- xii) If there is an appeal to the ruling of the Chair, announcing the results of the vote;
- xiii) If necessary, recessing a Meeting for a brief, specified time to consult the Clerk, the CAO or other staff person;
- xiv) If there is a threat or imminent threat to the health or safety of any person, or if there is a possibility of public disorder, recessing the Meeting for a specified time;
- xv) Ensuring that all Members who wish to speak on a motion have spoken;
- xvi) Ensuring clarity, where required, by reading, or requesting the Clerk, Recording Secretary or other appropriate person to read motions before voting;
- xvii) Putting all motions to a vote and announcing results;
- xviii) Voting on all matters unless the *Municipal Conflict of Interest Act* prohibits it;
- xix) Declining to put to a vote any motion which contravenes this Procedure By-law;
- xx) Calling Members to order;
- xxi) Ordering a Member, or any other person from the Meeting, in accordance with this Procedure By-law;
- xxii) Adjourning the Meeting when the business of the Meeting has concluded; and,
- xxiii) Authenticating, when necessary, by his/her signature, all by-laws, resolutions, and minutes.

12. Members

a) Members are responsible for, where applicable:

- i) Attending scheduled Meetings;
- ii) Carefully considering and making decisions about Meeting business, including seeking information and advice from staff prior to and during a Meeting;
- iii) Voting on motions put to a vote;

- iv) Respecting the rules of order in this Procedure By-law;
 - v) Listening attentively, participating in a Meeting and not interrupting, unless to raise a Point of Order or Point of Personal Privilege, as set out in Sections 59 and 60 of this Procedure By-law;
 - vi) Remaining silent in their seats while Council or a Committee votes and until the Chair announces the result of the vote;
 - vii) Refraining from using any offensive, disrespectful or unparliamentary language about any Member, municipal employee, Meeting attendees and Council or a Committee as a whole;
 - viii) Respecting and following the decisions of Council or a Committee;
 - ix) Respecting the confidentiality of matters discussed in closed session Meetings and not disclosing the subject or substance of these discussions unless authorized to do so;
 - x) Complying with the Chair's rulings and Council's decisions; and
 - xi) Complying with the Council Code of Conduct.
- b) If a Member disobeys a rule in this Procedure By-law or a Chair's ruling:
- i) After the first occurrence, the Chair calls the Member to order.
 - ii) After the second occurrence, if the Member continues to disobey this Procedure By-law or the Chair's ruling, the Chair will immediately order the Member to leave his/her seat and observe the Meeting from the audience for the remainder of the Meeting.
 - iii) Any Member other than the Offending Member may appeal the Chair's ruling in ii), and Council or a Committee may overturn or uphold the Chair's ruling. Should the Chair's ruling be overturned, the Offending Member may return to his/her seat.
 - iv) If the Offending Member informs the CAO or a Commissioner that he/she wishes to apologize, the Clerk will inform the Chair of the Member's request.
 - v) At the next available opportunity in the Meeting, the Chair will allow the Offending Member to return to his/her seat to apologize to Council or a Committee. The apology will not include additional comments or debate by the Offending Member or by Council or a Committee.
 - vi) After an apology is made by the Offending Member, Council or a Committee may consent to allow the Offending Member to return to the Meeting.
 - vii) Should at any point the Offending Member create a disturbance while seated in the audience in ii), the Chair will order the Offending Member to leave the Council chamber or meeting room.
 - viii) Council cannot appeal and the Offending Member cannot seek an apology from Council for the Chair's ruling in vii).
 - ix) If the Offending Member refuses to leave his/her seat or leave the Council chamber or meeting room in vii), the Chair may request the CAO to contact security or Police for assistance.

13. Attendees

- a) The Chair may expel or exclude any person who disrupts a Meeting, and request security and/or Police assistance in doing so.

- b) No persons, other than Council Members and Town staff, are permitted to approach the area where Council and staff are seated.
- c) Attendees will submit all materials for Council through the Clerk.
- d) Attendees are responsible for:
 - i) Maintaining order and not heckling, or engaging in conversations, displaying placards or props or any behaviour that may be considered disruptive;
 - ii) Speaking respectfully at all times;
 - iii) Ensuring all personal digital devices are turned off or set to a silent mode during a Meeting;
 - iv) Using recording, broadcasting or streaming devices respectfully, and should the Chair direct it, moving or ceasing to use recording, broadcasting or streaming devices.

14. Rules of Debate

- a) The Chair maintains a list of Members who have requested to speak or ask questions. The Chair designates Members to speak or ask questions in the order in which they appear on the list.
- b) A Member may speak a total of three (3) times on the same matter for up to five (5) minutes each time. This allotment of time is exclusive of the time required to clarify statements made by the Member and staff responses to questions raised.
- c) The mover and seconder of a motion have the opportunity to speak first to a motion.
- d) When a Member is speaking, no interruptions are permitted except to raise a Point of Order or a Point of Personal Privilege as set out in Sections 59 and 60 of this Procedure By-law. Clarification on matters is made through the Chair.
- e) Members' comments are relevant to the matter of business before Council or a Committee. Members should avoid comments intended to be statements or assertions.
- f) Members express themselves succinctly without repetition.
- g) Questions may be asked only of:
 - i) The Chair;
 - ii) Staff;
 - iii) A previous speaker; and,
 - iv) A deputation.

15. Preparation of Agendas of Council & Committee of the Whole

- a) The CAO and his/her staff are charged with providing guidance and recommendations to Council related to municipal business, and to implement the decisions of Council.
- b) The CAO chairs a regularly scheduled internal Meeting to review draft agenda items in order to support the business of Council.
- c) The Clerk provides an administrative process to support the approval, preparation, Notice, publication and distribution/public access to agendas and agenda items, following approval by the CAO and/or Commissioner.

16. Availability of Agendas of Council & Committee of the Whole

- a) Council agendas are generally made available to the public on the Friday immediately preceding the Meeting.
- b) Committee of the Whole agendas are generally available to the public on the Friday nine days prior to the Meeting.

17. Preparation & Availability of Agendas of Other Committees

- a) The Clerk, Recording Secretary, Chair or other assigned person prepares and makes public an agenda for Meetings of other Committees in the order, timeframe and manner established by the Committee.

18. Order of Business – Committee of the Whole

- a) The order of business for the Committee of the Whole is set out in the agenda as follows, where provided for:
 - i) Additions & Corrections to the Agenda
 - ii) Declarations of Pecuniary Interest
 - iii) Presentations & Recognitions
 - iv) Deputations
 - v) Consent Items
 - vi) Action Items
 - vii) Reports by Regional Representatives
 - viii) Notices of Motion
 - ix) Motions
 - x) New Business
 - xi) Closed Session (if required)
 - xii) Public Hearing Matters
 - xiii) Adjournment

19. Changes in Order of Agenda of Committee of the Whole

- a) The business of Committee of the Whole is dealt with in the order stated on the published agenda, unless Committee of the Whole consents to changing the order.

20. Order of Business – Council

- a) The order of business of Council is set out in the agenda, as follows, where provided for:
 - i) Open Forum
 - ii) Public Notices (if required)
 - iii) Additions & Corrections to the Agenda
 - iv) Declarations of Pecuniary Interest
 - v) Presentations & Recognitions
 - vi) Deputations

- vii) Approval of Minutes
- viii) Reports by Regional Representatives
- ix) Reports of Committees and Staff
- x) By-laws
- xi) Notices of Motion
- xii) Motions
- xiii) Announcements & Community Events
- xiv) New Business
- xv) Closed Session (if required)
- xvi) Confirmatory By-law
- xvii) Adjournment

21. Changes in Order of Agenda of Council

- a) The business of Council is dealt with in the order stated on the published agenda, unless Council consents to changing the order.

22. Open Forum

- a) In the Open Forum that occurs fifteen (15) minutes prior to the formal portion of a Council Meeting, any individual may address Council to make informal inquiries or to comment on matters of municipal business. Persons speaking at the Open Forum are limited to five (5) minutes each. Generally, up to three (3) individuals may be heard at the Open Forum at one Meeting.
- b) Generally, no motions are passed related to matters raised during Open Forum.

23. Additional Items & Corrections to Agendas of the Council or Committee of the Whole

- a) Council and Committee of the Whole are required to consent to the introduction of additional items, including addenda and closed session agendas, as well as items for distribution.
- b) The CAO provides, as required, a summary of the additional items and advises of any corrections to the Meeting of Council or Committee of the Whole.

24. Declarations of Pecuniary Interest

- a) Members are required to make Declarations of Pecuniary Interest in accordance with the requirements of the *Conflict of Interest Act* and/or other relevant legislation.

25. Presentations & Recognitions

- a) Presentations include staff or other government agency presentations to Council or Committee of the Whole on matters of interest to the Town, as well as awards, certificates, grants and other recognitions presented to/by the Town. Such presentations are received or presented by the Chair.
- b) Presentations may be up to ten (10) minutes. The consent of Council or Committee of the Whole is required to extend a presentation beyond ten (10) minutes.

26. Right of Public Input & Notice

- a) The public has the right to have input and receive Notice on Council's decision-making process. The methods for doing so include: writing to Council through the Clerk; submitting a petition; making a presentation; speaking at an Open Forum; or speaking as a deputation at a Council, Committee of the Whole or other Committee. The public will receive Notice in accordance with the requirements of legislation and this Procedure By-law.

27. Deputations at Meetings of Council & Committee of the Whole

- a) An individual may make a deputation at a Meeting of Council or Committee of the Whole related to an item of business on the agenda.
- b) An individual may make a deputation at a Meeting of Council or Committee of the Whole related to any matter of municipal business or community interest within sixty (60) days of submitting a Deputation and Further Notice Request Form to the Clerk, available on the Town's website or at the Municipal Office.
- c) If there is no available Council or Committee of the Whole meeting available within sixty (60) days of submitting a Deputation and Further Notice Request Form to the Clerk in Section 27 b) of this By-law, it will be scheduled at the earliest opportunity thereafter.
- d) The Clerk's determination of when a deputation will be scheduled under Section 27 b) and c) of this By-law is final.
- e) Despite the rules in Section 27 a) through d) of this By-law, Deputations will not be heard on a matter decided upon by Council until ninety (90) days have passed from the date of the matter's disposition by Council, except upon a vote in the affirmative of two thirds majority of the Members present.
- f) Individuals who request to make a deputation may be encouraged by a Councillor or senior staff to consider resolving an issue or concern with staff in lieu of, or prior to, submitting a deputation request.
- g) Should an individual wish to have his/her name and the purpose of his/her deputation published in an agenda, he/she is required to complete a Deputation and Further Notice Request Form and have it submitted in accordance with the agenda publishing timeframes established by the Clerk.
- h) Deputations are limited to five (5) minutes. A limit of five (5) deputations will be considered at a Meeting of Council or Committee of the Whole. The consent of Council or Committee of the Whole is required to extend a deputation beyond five (5) minutes and to consider more than five (5) deputations.
- i) Members of Council and Committee of the Whole are permitted to ask the individual making a deputation questions only for clarification and to obtain additional relevant information.

28. Further Notice

- a) Should an individual wish to be provided with further Notice related to a matter of business before Council or Committee of the Whole, he/she is required to indicate this wish to the Clerk on the Deputation and Further Notice Request Form. These forms are available on the Town's website or at the Municipal Office.

29. Deputations & Public Input at Meetings of Other Committees

- a) Other Committees may put in place practices and procedures to hear deputations and public input related to matters relevant only to their specific mandates.

30. Announcements & Community Events

- a) Members may speak for no more than three (3) minutes on announcements and community events, unless the consent of Council is granted.

31. Minutes

- a) The Clerk records the minutes of Meetings of Council and Committee of the Whole without note or comment. The minutes record:
 - i) The date, time and location of the Meeting;
 - ii) The name of the Chair and a record of the attendance at the Meeting;
 - iii) The name and nature of presenters and deputations;
 - iv) All resolutions, decisions and other proceedings of the Meeting; and,
 - v) Administrative references, including by-law, report, motion and policy indexes.
- b) Minutes of each Meeting of Council are presented to the subsequent regular Meeting of Council for approval.
- c) Time permitting, minutes of Meetings of Committee of the Whole are submitted to the next regular Meeting of Council, for consideration of the recommendations.
- d) Approved minutes of Council and minutes of Committee of the Whole will be posted on the Town's website as they become available.
- e) Minutes of other Committees, as designated by Council, are submitted to Committee of the Whole for Council receipt or approval of recommendations.
- f) The receipt of minutes from other Committees by Council does not constitute endorsement by the Town of any recommendations or actions contained therein.

32. Correspondence

- a) Where correspondence has been requested to be included on a Council or Committee of the Whole agenda or on the request of a Member of Council to the Clerk, correspondence is placed on the agenda for a regular Meeting of Committee of the Whole. Where required due to urgency or timing, correspondence may be considered directly by Council as an item of New Business.
- b) Staff may prepare recommendations related to the matter for Council's consideration.
- c) Council and staff will direct, to the Clerk, correspondence clearly intended to be considered as part of an agenda of Council or Committee of the Whole.
- d) The Clerk is required to verify whether it is the intent of an individual to include his/her correspondence on a public agenda. For reasons of privacy, irrelevant personal information will be severed from correspondence. General correspondence between Councillors or staff, and constituents or stakeholders, will not be included unless the Clerk is satisfied it was clearly the individual's intent to include his/her correspondence on a public agenda.
- e) Correspondence related to items already decided on by Council will form a part of the Clerk's records and be circulated to Members of Council, but not placed on an agenda.

- f) Correspondence must be legible and not contain any defamatory statements. Anonymous correspondence will not be acknowledged, circulated, or placed on an agenda.
- g) The Council's receipt of correspondence does not constitute endorsement of the correspondence by the Town of any recommendations it may contain or actions it may advocate.
- h) Where correspondence is not requested to be included in a Council or Committee of the Whole agenda, it is circulated by the Clerk to Members of Council, the CAO, Commissioners and applicable staff for their information, and forms a part of the Clerk's records.

33. Petitions

- a) Petitions may be submitted to the Clerk and will include a minimum of two (2) persons and their respective addresses, and a clear statement of purpose for the Petition.
- b) The request conveyed in the Petition will be considered by Committee of the Whole for disposition. Where required due to urgency or timing, Petitions may be considered directly by Council as an item of New Business.
- c) For reasons of privacy, the names and addresses included with the Petition will be provided to Members of Council, but not published in an agenda of the Committee of the Whole or Council.
- d) Staff may prepare recommendations related to the matter for Council's consideration.
- e) The Town is not accountable for the accuracy or reliability of Petitions that are submitted.

34. Motions from Other Municipalities & Organizations Requesting Endorsement

- a) Motions from other York Region municipalities are placed on the agenda for a regular Meeting of Committee of the Whole. Where required due to urgency or timing, motions from other York Region municipalities and organizations that request endorsement or action by Council may be considered directly by Council as an item of New Business.
- b) Staff may prepare recommendations related to the matter for Council's consideration.
- c) The Council's receipt of motions from other York Region municipalities does not constitute endorsement by the Town of any recommendations or actions they may contain.
- d) Motions from municipalities outside of York Region and requests for endorsement or action from other organizations will be dealt with as a matter of correspondence under Section 32 of this By-law.

35. Reports by Regional Representatives

- a) Representatives of the Town on Regional Council provide a verbal or written report at regular Meetings of Council and Committee of the Whole on matters of interest to the Town.

36. Reports of Council and Committee of the Whole

- a) In accordance with established administrative protocols, reports prepared by staff are submitted in writing to the Clerk and distributed with the agenda for the applicable Meeting of Council or Committee of the Whole.

- b) Reports prepared by staff members contain information and recommendations prepared in the context of their professional, technical and administrative expertise independent of any particular political, constituent or stakeholder interest.

37. Information Reports

- a) An information report is prepared for the information of Council and generally relates to a matter considered at Council or Committee of the Whole, or is a matter of Town business.
- b) An Information Report does not contain recommendations.
- c) An Information Report requested by Council or Committee of the Whole will be in the form of a motion.
- d) Information Reports are circulated directly to Council Members and made available to the public on the Town's website. Information Reports are not published on a Committee of the Whole or Council agenda unless a Member of Council makes such a request to the Clerk. Where required due to urgency or timing, Information Reports may be considered directly at Council as an item of New Business.
- e) Confidential Information Reports are not made available to the public on the Town's website and may only be placed on a Committee of the Whole or Council agenda if the nature of the confidential information satisfies the requirements of Section 9 a) of this By-law.

38. By-laws

- a) By-laws are considered by Council and approved by motion.
- b) A Confirmatory By-law is enacted at each Meeting of Council.
- c) Every by-law adopted by Council is done so under the seal of the Corporation of the Town and signed by the Clerk and the Mayor or Acting Mayor, or in the absence of both, the alternate Acting Mayor.
- d) The following types of by-laws may be presented directly to Council, without the requirement for a staff report:
 - i) Those directed to be presented directly to Council by Committee of the Whole or Council;
 - ii) Appointment of staff authorized by the CAO;
 - iii) Consolidation of by-laws or housekeeping amendments;
 - iv) General by-laws where the purpose and intent of the by-law has been clearly authorized by a previous resolution;
 - v) Public highway dedication by-laws;
 - vi) Minor amendments resulting from changes to provincial enabling legislation; and,
 - vii) Other administrative by-laws deemed appropriate by the CAO.

39. Administrative Authority of Clerk

- a) The Clerk is authorized to amend by-laws, minutes and other Council and Committee documentation for technical, typographical or other administrative errors and omissions for the purpose of ensuring an accurate and complete record of proceedings.

40. Notice of Motion

- a) A Member of Council may provide verbal Notice of his/her intention to introduce a motion at a Meeting of Council or Committee of the Whole, which will include the general purpose of the proposed motion.
- b) Following verbal Notice, the Member of Council will provide the proposed motion to the Clerk in writing for inclusion in a regular agenda of Committee of the Whole.
- c) The CAO or staff may be requested to comment on the motion raised in this Section, but no staff report will be prepared unless the motion is referred to staff for a further report.
- d) It is the duty of the Member of Council to:
 - i) Prepare the proposed motion in writing.
 - ii) Submit the proposed motion to the Clerk prior to the publication deadline for the regular agenda of the Committee of the Whole.
 - iii) Ensure the content of the proposed motion allows for it to be published on a public agenda.

41. Motions – Impact on Corporate Resources

- a) The CAO will advise on the appropriate means of disposition for matters that make an impact on administration.
- b) Council is not required to pass a motion that makes an impact on corporate resources where a matter:
 - i) Has already been approved by Council;
 - ii) Is considered by the CAO to be minor in nature; and/or,
 - iii) Falls within existing service levels.

42. Motions

- a) Every motion in any Meeting of Council or Committee requires a mover and a seconder.
- b) When duly moved and seconded, every motion, other than a motion to adjourn, recess, table or suspend the rules of this Procedure By-law, is open for discussion.
- c) No debate is permitted on any motion or amending motion until it has been properly seconded.
- d) A motion or amending motion may not be withdrawn without the consent of the mover and seconder.
- e) The Chair of a Meeting of Council or a Committee will not move or second a motion.
- f) All Members of Council or a Committee will vote on all motions except in the instance where the Member refrains from voting on an issue due to the Declaration of a Pecuniary Interest in the matter by the Member. If any Member does not vote, he/she will be deemed as voting in the negative (except where prohibited from voting by statute).
- g) Where a motion to adjourn, recess, table or suspend the rules of this Procedure By-law has been made, until such motion has been decided upon, there will be no discussion by a Member of Council or a Committee on the matter proposed to be adjourned recessed, tabled or suspended.

43. Motion under Debate

- a) When a motion is under debate, no other motion may be considered except for the following motions, to be considered in the listed order of priority:
- i) To recess;
 - ii) To adjourn;
 - iii) To defer the motion under consideration to a definite date;
 - iv) To defer the motion under consideration indefinitely;
 - v) To table a motion;
 - vi) To refer the motion under consideration to a sub-committee for a report; and,
 - vii) To amend the motion under consideration.

44. Motion to Recess

- a) A motion to recess when other business is before the Meeting:
- i) Specifies the length of time of the recess; and,
 - ii) Is not to be debatable and is only to be amendable with respect to the length of the recess.

45. Motion to Adjourn

- a) A motion to adjourn:
- i) Is not to be amendable; and,
 - ii) Is not to be debatable.

46. Motion to Defer

- a) A motion to defer to a certain time or date:
- i) Is open to debate as to advisability of postponement; and
 - ii) May be amended as to the time or date to which the matter is to be deferred.

47. Motion to Table

- a) A motion to table:
- i) Is not to be amended or debated; and
 - ii) Applies to the motion and any amendments thereto under debate at the time when the motion to table was made.
- b) A tabled motion is deemed to have been withdrawn if it has not been decided by the Council or a Committee either in the affirmative or the negative during the term of the Council or a Committee in which the motion was introduced.

48. Motion to Refer

- a) A motion to refer a matter under consideration to a Committee or to staff:
- i) Is to be open to debate and may be amended;
 - ii) Includes the terms on which the motion is being referred and the time at which the matter is to be returned; and

- iii) Includes the reasons for the referral.

49. Motion to Amend

a) A motion to amend:

- i) Is to be open to debate; and,
- ii) Is to be relevant to the main motion.

b) If it is not considered a "Friendly Amendment," then the motion to amend:

- i) If more than one, will be put to a vote in the reverse order to that in which they were moved;
- ii) Will be decided upon or withdrawn before the main motion is put to the vote;
- iii) Will not be amended more than once, provided that further amendments may be made to the main motion; and,
- iv) Will not be directly contrary to the main motion.

50. Motion "To Put the Question to a Vote" or "To call the Vote"

a) Any Member may request the Chair "To put the question to a vote" or "To call the vote" by presenting a motion that the question "now be put to a vote." A motion to put the question to a vote must:

- i) Be seconded;
- ii) Is not open to debate;
- iii) If supported by a majority of the Members present, the original question is immediately put to a vote without debate.

51. Motion Containing Two or More Matters

a) When the motion under consideration concerns two or more matters, the Chair, upon the request of any Member, will direct that the vote upon each matter be taken separately. Such request may also be made by the Chair.

52. Withdrawal of Motion

a) A request to withdraw a motion:

- i) May only be made by the mover of the motion;
- ii) Requires consent of the seconder of the motion; and,
- iii) Is in order any time during the debate.

53. Adoption in a Single Motion

a) One or more items on an agenda may be adopted in a single motion.

54. New Business

a) Any Member of Council or a Committee, at any Meeting, may present and introduce any matter of New Business during the New Business portion of the Meeting, and shall have regard to the following guidelines:

- i) Members are encouraged to raise operational matters prior to the Meeting through the CAO, Commissioner or appropriate staff member;
- ii) Members are discouraged from raising substantive policy matters, in particular consideration of corporate policies or by-laws; and,

- iii) Members of Council are encouraged to raise announcements and community events under the Announcements and Community Events portion of the Council agenda.

55. Voting

- a) After a motion is finally put to a vote by the Chair, no Member speaks to it nor will any other motion be made until after the vote is taken and the result has been declared.
- b) All Members of Council or a Committee will vote on all motions. Failure by any Member to announce his/her vote openly and individually, including an "abstention," is deemed to be a vote in the negative.
- c) Each Member present and voting announces or indicates his/her vote upon the motion openly and individually, and no vote is taken by ballot, or any other method of secret voting.

56. Tie Vote

- a) Any motion on which there is a tie vote is deemed to be lost.

57. Recorded Vote

- a) A recorded vote is only permitted at Council Meetings and will be taken on all motions.
- b) A Member of Council's failure to participate in a recorded vote when he/she has not declared a conflict of interest is deemed to be a negative vote.
- c) A recorded vote at Council Meetings will be taken as set out in i) or ii) below:
 - i) Each Member announces his/her vote openly, and the Clerk records his/her vote in the minutes. Votes are called in an order based upon the seating of the Members, moving clockwise around the Council Chambers, beginning with the mover of the motion. Notwithstanding this order, the vote in every case ends with the Mayor; or,
 - ii) Each Member first indicates his/her vote by using an electronic device. Each Member's vote is then electronically displayed on a screen, and the Clerk announces the outcome of the vote and records each Member's vote in the minutes.
- d) Notwithstanding recorded votes, a record or notation of a Member's opposition to an issue is not recorded in any Meeting minutes.

58. Reconsideration of a Matter

- a) Committee of the Whole (or by Council, if the matter is considered by Council directly) cannot reconsider a matter until 90 days have passed from the date of the matter's original disposition by Council, except upon a vote in the affirmative of Two Thirds Majority of the Members present.
- b) Other Committees cannot reconsider a matter until 90 days have passed from the date of the matter's original disposition except upon a vote in the affirmative of Two Thirds Majority of the Members present.
- c) In a) and b), "considered" means matters for which the Members at the Meeting have decided upon, and does not include the receipt of information where no action has been sought or taken.

59. Point of Order

- a) A Member may interrupt the person who has the floor to raise a Point of Order when such Member feels that there has been:

- i) A deviation or departure from this Procedure By-law; or
 - ii) A deviation from the matter under consideration and the current discussion is not within the scope of the proposed motion.
- b) Upon hearing such Point of Order, the Chair decides and states his/her ruling on the matter.
 - c) Upon hearing the Point of Order ruling, a Member only addresses the Chair for the purpose of appealing the Chair's decision to the Council or a Committee.
 - d) If no Member appeals, the decision of the Chair is final.
 - e) If a Member appeals the Chair's ruling to the Council or a Committee, the Member has the right to state his/her case, the Chair has the right to reply and the Council or Committee decides the question "That the decision of the Chair be sustained" without further debate. The decision of the majority of the Members of the Council or a Committee who are present is final.

60. Point of Personal Privilege

- a) A Member may rise at any time on a Point of Personal Privilege where such Member feels that the health, safety, rights, or integrity of his/her own person, the Council, a Committee or anyone present at the Meeting has been called into question by another Member or by anyone present at the Meeting.
- b) Upon hearing such Point of Personal Privilege, the Chair decides and states his/her ruling on the matter.
- c) Where the Chair rules that a breach of Privilege has taken place, he/she demands that the offending Member or individual apologize and, failing such apology, requires said Member or individual to vacate the Meeting room for the duration of the Meeting.
- d) With the exception of providing an apology, the Member addresses the Chair for the purpose of appealing the Chair's ruling of a breach of Privilege to the Council or a Committee.
- e) If no Member appeals, the decision of the Chair is final.
- f) If a Member appeals the Chair's ruling to the Council or a Committee, the Member has the right to state his/her case, the Chair has the right to reply and the Council or Committee decides the question "That the decision of the Chair be sustained" without further debate. The decision of a majority of the Members who are present at the Meeting of Council or Committee is final.

61. Acting Mayor

- a) When the Mayor is absent through illness or absent from the Municipality, the Deputy Mayor & Regional Councillor serves as Acting Mayor.
- b) The Acting Mayor has, and may exercise all the rights, powers, and authority of the Mayor as Head of Council.
- c) In the event that both the Mayor and Deputy Mayor & Regional Councillor are absent through illness or absence from the Municipality, an alternate Acting Mayor is determined as follows:
 - i) The alternate Acting Mayor is the Ward Councillor in ascending order of Ward number for each calendar month, starting with Ward 1, following the organization of Council in each new term of Council, based on his/her availability.

- ii) The Clerk will prepare a calendar outlining the monthly assignment of alternate Acting Mayors in accordance with Section 61 c) i) for the term of Council for distribution to Council Members, CAO, and Commissioners.
- iii) Where a Councillor is not available to serve as alternate Acting Mayor, the alternate Acting Mayor will be the next available Councillor in ascending sequential order.
- iv) Availability is to be provided in writing to the Clerk, and the Clerk's determination of an alternate Acting Mayor is final.
- v) The Clerk provides, as required, Notice by electronic mail to Council Members, CAO, and Commissioners when the Acting Mayor and alternate Acting Mayor assume the duties of the Mayor.
- vi) The alternate Acting Mayor has all the rights, powers, and authority of the Mayor as Head of Council.

62. Public Record

- a) All communications that the Clerk receives about a matter on the agenda of a public or open Meeting will form part of the public record. Personal information and opinions in communications are part of the public record unless the author of the communication requests the removal of his/her personal information when submitting it, or where confirmed by the Clerk.

63. Recording, Broadcasting and/or Streaming Meetings

- a) All Meetings may be audio and/or visually recorded, broadcast and/or streamed publically by the Town, with the exception of proceedings closed to the public provided for in Section 9 of this Procedure By-law.
- b) Attendees using their own recording, broadcasting and/or streaming devices are encouraged to inform the Clerk or Recording Secretary to ensure attendees at the Meeting are notified through the Chair

AND THAT By-law Number 2013-46 be hereby repealed;

AND THAT this By-law comes into force on October 27, 2015.

ENACTED THIS 26TH DAY OF OCTOBER, 2015.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2015-51

**A BY-LAW TO CONFIRM THE PROCEEDINGS OF A MEETING OF COUNCIL
– OCTOBER 26, 2015.**

WHEREAS s. 5(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that the powers of a municipal corporation shall be exercised by its Council;

AND WHEREAS s. 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS the Council of the Town of Newmarket deems it advisable to pass such a by-law;

THEREFORE BE IT ENACTED by the Council of the Corporation of the Town of Newmarket as follows:

1. THAT subject to Section 3 of this by-law, every decision of Council, as evidenced by resolution or motion, taken at the meeting at which this by-law is passed, shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted;
2. AND THAT the execution and delivery of all such documents as are required to give effect to the decisions taken at the meeting at which this by-law is passed and the resolutions passed at that meeting are hereby authorized;
3. AND THAT nothing in this by-law has the effect of giving to any decision or resolution the status of a by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied;
4. AND THAT any member of Council who disclosed a pecuniary interest at the meeting at which this by-law is passed shall be deemed to have disclosed that interest in this confirmatory by-law as it relates to the item in which the pecuniary interest was disclosed.

ENACTED THIS 26TH DAY OF OCTOBER, 2015

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

a) THAT Joint Office of the CAO - Strategic Initiatives and Corporate Services Commission - Legislative Services Report 2015-10 dated September 3, 2015 regarding Corporate Policy Approval Authority Framework be received and the following recommendations, be adopted:

i) THAT Council adopt Corporate Policy CAO.1-06 'Corporate Policy Approval Authority Framework' attached as Appendix 'A,' as amended to reflect:

a) That new policies within the jurisdiction of the CAO be forwarded to Council for delegation;

ii) AND THAT amendments to the Economic Adjustment Policy be considered by Council;

iii) AND THAT the Delegation By-law be updated to reflect these items of delegated authority.



LEGISLATIVE SERVICES
Town of Newmarket
 395 Mulock Drive
 P.O. Box 328, STN Main
 Newmarket, ON L3Y 4X7

www.newmarket.ca
 info@newmarket.ca
 T: 905 895.5193
 F: 905 953 5100

MEMORANDUM

TO: Mayor Van Bynen & Members of Council

FROM: Andrew Brouwer, Director of Legislative Services/Town Clerk

DATE: October 26, 2015

RE: **Corporate Policy Approval Authority Framework
 (Corporate Policy CAO.1-06)**

At the October 20, 2015 Committee of the Whole meeting, the following motion was passed in reference to Joint Office of the CAO – Strategic Initiatives and Corporate Services Commission Legislative Services Report 2015-10 “Corporate Policy Approval Framework”:

That Office of the CAO – Strategic Initiatives and Corporate Services Commission – Legislative Services Report 2015-10 dated September 3, 2015 regarding “Corporate Policy Approval Framework” be received and the following recommendations be adopted:

- 1) THAT Council adopt Corporate Policy CAO.1-06 ‘Corporate Policy Approval Authority Framework’ attached as Appendix ‘A,’ as amended to reflect:
 - a. That new policies within the jurisdiction of the CAO be forwarded to Council for delegation;
- 2) AND THAT amendments to the Economic Adjustment Policy be considered by Council;
- 3) AND THAT the Delegation By-law be updated to reflect these items of delegated authority.

In order to give effect to the above recommendations in clause 1) a., I have prepared amended draft Corporate Policy CAO.1-06 ‘Corporate Policy Approval Authority Framework,’ with the option of a “bump up process” for Council’s consideration, as attached (amendments shown in highlight).

For further information, please contact me at 905-953-5300, ext. 2211 or abrouwer@newmarket.ca.

Andrew Brouwer, Director of Legislative Services/Town Clerk



Newmarket

CORPORATE POLICY

Sub Topic: Corporate Policy Approval
Authority Framework

Policy No.: CAO.1-06

Topic: Governance

Employees Covered: All Employees
and Elected Officials

Section: CAO

Approval Authority: Council

Adoption Date:

Effective Date:

Revision No: Date:

Policy Statement & Strategic Plan Linkages

Council and Administration of the Town of Newmarket will support the Community Vision of being a community well beyond the ordinary by implementing policies, programs and procedures that reflect the efficient management of municipal services, and sound and accountable governance, aligning with the Strategic Plan direction of Well-Equipped and Managed.

Purpose

This Policy provides:

- 1) Authority for Council to approve new and amended corporate policies of a governance nature in line with the role of Council established by the *Municipal Act, 2001* and relevant Town by-laws, including but not limited to:
 - a. Policies affecting the Town's governance and Members of Council;
 - b. Policy matters directed by Council or requiring Council's approval;
 - c. Policies substantively impacting customer service levels;
 - d. "Outward" facing policies affecting residents and businesses; and,
 - e. Policies related to financial sustainability.

- 2) Authority for the Chief Administrative Office (CAO) to approve new and amended corporate policies of an administrative nature in line with the role of the CAO established by the *Municipal Act, 2001*, Delegation of Authority By-law

and other relevant Town by-laws provided the impact of the corporate policy is within the relevant Council-approved budget, including but not limited to:

- a. Administrative matters; and,
 - b. Employment and working conditions.
- 3) Authority for the CAO to approve new and amended procedures and appendices which implement CAO and Council-approved policies.
 - 4) Despite the authority granted to the CAO in 2) and 3), the CAO may request Council input and/or approval.
 - 5) A process to advise Council of CAO Approved Corporate Policies, including the opportunity for any Member of Council to request that the corporate policy be considered at an upcoming Committee of the Whole meeting (see Appendix A);
 - 6) That CAO and Council approved corporate policies and procedures/appendices references in a corporate policy be posted on the Town of Newmarket's website.

Cross-References

Corporate Policy Index

Appendices (which may be amended from time to time)

Appendix 'A' – Process for Advising Council of CAO Approved Corporate Policies

Appendix 'A' – Process for Advising Council of CAO Approved Corporate Policies

A: New CAO-approved policies:

1. Prior to the intended effective date, the CAO or designate shall circulate an email or memorandum together with the new corporate policy to all Members of Council advising of, at a minimum:
 - a. The purpose and impacts of the corporate policy;
 - b. Intended effective date;
 - c. How the impacts of the corporate policy will be reported on corporately;
 - d. The opportunity for any Member of Council to request that the corporate policy be considered at an upcoming Committee of the Whole meeting; and,
 - e. Appropriate staff contact for a Member of Council to seek further information.

B: Amendments to CAO-approved policies of a substantive nature:

1. Prior to the intended effective date, the CAO or designate shall circulate an email or memorandum together with the amendment to the CAO-approved corporate policy of a substantive nature to all Members of Council advising of, at a minimum:
 - a. The purpose and impacts of the corporate policy amendment;
 - b. Intended effective date;
 - c. How the impacts of the corporate policy amendment will be reported on corporately; and,
 - d. Appropriate staff contact for a Member of Council to seek further information.

Deputation and Furth⁷¹ Notice Request Form

Please complete this form to speak at a meeting of Town Council or Committee of the Whole. If filling out by hand please print clearly.

Please email to clerks@newmarket.ca, fax to 905-953-5100 or mail or drop off at Legislative Services Department, Town of Newmarket Municipal Offices, 395 Mulock Drive, PO Box 328, STN Main, L3Y 4X7

Subject:

Date of Meeting: Agenda Item No.:

I wish to address Council / Committee

I request future notification of meetings.

Name:

Organization / Group/ Business represented:

Address: Postal Code:

Email:

Home Phone: Business Phone:

Be advised that all Council and Committee of the Whole meetings are audio-video recorded and live streamed online. If you make a presentation to Council or Committee of the Whole, your presentation becomes part of the public record and you will be listed as a presenter in the minutes of the meeting. We post our minutes online, so the listing of your name in connection with the agenda item may be indexed by search engines like Google.

Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2211 Fax 905-953-5100.

Deputation and Furth ⁷² Notice Request Form

Please complete this form to speak at a meeting of Town Council or Committee of the Whole. If filling out by hand please print clearly.

Please email to clerks@newmarket.ca, fax to 905-953-5100 or mail or drop off at Legislative Services Department, Town of Newmarket Municipal Offices, 395 Mulock Drive, PO Box 328, STN Main, L3Y 4X7

Subject:

Date of Meeting: Agenda Item No.:

I wish to address Council / Committee

I request future notification of meetings.

Name:

Organization / Group/ Business represented:

Address:

Postal Code:

Email:

Home Phone:

Business Phone:

Be advised that all Council and Committee of the Whole meetings are audio-video recorded and live streamed online. If you make a presentation to Council or Committee of the Whole, your presentation becomes part of the public record and you will be listed as a presenter in the minutes of the meeting. We post our minutes online, so the listing of your name in connection with the agenda item may be indexed by search engines like Google.

Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2211 Fax 905-953-5100.