

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