

REPORT

CLERK'S DEPARTMENT

Meeting: GENERAL PURPOSE AND ADMINISTRATION COMMITTEE

Date: Monday, December 3, 2007

Report #: Report CLD-041-07

File #:

By-law #:


Subject: PROCEDURAL BY-LAW

RECOMMENDATIONS:


It is respectfully recommended that the General Purpose and Administration Committee recommend to Council approve the following:

1. THAT Report CLD-041-07 be received;
2. THAT the proposed Procedural By-law included as Attachment No. 1 to Report CLD-041-07 be forwarded to Council for passage; and
3. THAT the local boards be advised of Council's decision.

Submitted by:


Patti L. Barrie, CMO
Municipal Clerk

Reviewed by:


Franklin Wu,
Chief Administrative Officer

PLB

CORPORATION OF THE MUNICIPALITY OF CLARINGTON

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1.0 Background

Section 238 of the *Municipal Act, 2001* (the Act), requires every municipality and local board to pass a procedure by-law for governing the calling, place and proceedings of meetings. It also requires that the by-law provide for public notice of the meetings.

The Municipality of Clarington has always had a procedural by-law, however, the last complete review of it was undertaken in 1995. In order to confirm that the by-law complies with the current legislation, an entire review of the document has been undertaken. During the review, by-laws and procedures from other municipalities were reviewed in order to draw on best practices. While many of the requirements of the current by-law are included in the proposed document, a number of additions and amendments are proposed in the new draft. These proposed changes are intended to streamline the flow of meetings, clarify the roles of Council and ensure compliance with the Act. As well, the order has been reformatted for ease of reference.

This report will highlight those areas that are new to the procedural by-law.

2.0 Appointment of Deputy Mayor

The Municipality has always appointed a member of Council to act as Deputy Mayor in the absence of the Mayor. This appointment is in accordance with the Act, however, has now been included in our by-law. As is the practice in Clarington, the appointment section allows for two members of Council to be appointed for specified terms.

3.0 Special Meetings

The current by-law allows for the Mayor or the Clerk, upon receipt of a petition of the majority of members of Council, to summon a special meeting. The proposed by-law allows the Mayor to call "emergency special meetings" on urgent and extraordinary occasions without giving advance notice. Should a meeting be called under this section of the by-law, consent of two-thirds of the Members to hold such meeting is necessary and will be recorded in the minutes of the meeting.

4.0 Seating and Persons within Council Ring

Subsection 4.4 of the proposed by-law indicates that only members of Council and staff are permitted to enter the Council floor during the sitting of Council, GPA or Special Committee or distribute any material without the permission of the Mayor or Committee Chair. This has been the municipal practice, however, was not previously specified within the procedural by-law.

5.0 Participation of Chair in Debate

This section has been added to the by-law to clearly state that the Chair cannot move or second a motion while in the chair. This has always been the case, however, it was never stipulated in the by-law. This section does indicate, however, that the Chair may state relevant facts and the Chair's position immediately prior to the vote without leaving the chair.

6.0 Closed Meetings

Section 239 of the Act addresses meetings being open to the public, with the following exceptions:

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- (h) if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the council, board, commission or other body is the head of an institution for the purposes of that Act;
- (i) if the meeting is held for the purpose of educating or training the members provided no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

Although the municipality has always observed the requirements of the Act in this regard, the specifics were never included in the by-law. Subsection 4.7 of the by-law now outlines the requirements of the Act.

7.0 Notice of Meeting

As stated above, the Act now requires that the Procedural by-law shall provide for public notice of meetings. The proposed by-law includes, in subsection 4.8, the procedure which will be followed in this regard, as follows:

- a) In December of each year, the regular meeting schedule for the upcoming year will be published in the local newspapers and posted on the municipality's website.
- b) The current by-law states that notice shall be given 48 hours preceding the meeting. The proposed by-law indicates that public notice will be deemed to be given by making the agenda available in the Municipal Clerk's office and on the website by the end of the business day Friday preceding the regularly scheduled Monday meeting. Although the by-law states notice will be provided by the end of business on Friday, it is the practice of the Municipal Clerk's Department to have the agendas available in both locations by the end of the day Thursday. The Friday timeframe noted in the by-law allows for the occasional situation which may arise making it unrealistic to meet the usual Thursday publication time.
- c) For special meetings, the by-law indicates that notice of the meeting will be posted on the website at least one week prior to the special meeting, where practicable to do so, but not less than 24 hours prior to the meeting. As well, the notice of the special meeting shall be given to all members of council at least 24 hours before the time appointed for the meeting by delivering a hard copy to their offices and electronically via email to their municipal email address.
- d) The by-law states that the notice of the meeting shall indicate the nature of the business to be considered and the date, time and place of the meeting.

8.0 Adjournment – Due Hour

A new section that has been included in the by-law is the requirement that meetings shall adjourn at 11:00 p.m., if the meeting is still in session at that time, and will reconvene at such other day and time as directed by resolution. Although this clause is new to the Municipality of Clarington, many other municipalities have it included this provision in their procedures. When meetings go on into the late hours of the night or even the early hours of the morning, fatigue takes over and it is extremely difficult for good, informed decisions to be made. It is felt that the public interest is better served by adjourning the meeting at a specified hour (in this case 11:00 p.m.) and reconvening when the members and staff are rested and fresh.

9.0 GPA Mandate

The current by-law outlines specific matters that the GPA will consider. The proposed by-law simplifies the mandate by stating "the GPA shall consider all reports submitted to it by the Chief Administrative Officer or Director of a Department." The one change that has been incorporated into the new by-law is that when a report has been referred back to a Director of a Department for further processing or to answer questions raised by the Committee, or it has been tabled, this recommendation will not be forwarded to Council in Report #1. The only time the recommendations of the Committee will be forwarded to Council is when Committee has made its final decision on the matter. This will alleviate the difficulty in determining whether a matter has been tabled at the Committee or Council

level. Should Committee wish to consider a report at the subsequent Council meeting, the motion which will be brought forward at the Committee meeting will be "to refer the matter to the Council meeting".

10.0 Council Agenda

It is being recommended that the order of the Council agenda be amended from the order currently used. The following new sections are being added:

- a) Announcements – This section provides a time for members of Council to announce or comment on community events and activities. The practice has been for this to occur under the Other Business section at the end of the agenda, however, staff recommend that it be moved to the beginning of the meeting so that the announcements are being made when more people are in attendance or, when meetings are televised, while residents are still watching the meeting at home.
- b) Presentations – We have been using this section of the agenda to allow for civic recognition, consultants' presentations, special committees' reports, etc., however, it was never previously stated in the by-law.
- c) Committee Reports and Staff Reports – Currently these reports are all listed under the Reports section of the agenda. The proposed by-law differentiates between Committee and Staff Reports.
- d) Business Arising From Notice(s) of Motion – This section of the agenda is where previous notices of motions will be considered. The notices included will have been presented at a previous meeting or delivered to the Municipal Clerk prior to 12:00 noon the Wednesday preceding the meeting, thereby providing ample time for proper notice to be given prior to the matter being considered.
- e) By-laws – The current procedural by-law states that no by-law will be presented to Council without first being considered by Council or by Committee and been approved by Council. The proposed by-law allows for the following by-laws to be presented without first being approved by Council:
 - i) a by-law granting authority to borrow money under the authority of the Act;
 - ii) by-laws appointing persons affiliated with private parking authorities to enforce the municipal parking by-law; and
 - iii) any by-law arising as the result of an order or decision of any judicial or quasi-judicial body.

The proposed by-law also allows for all three readings of the by-laws to be considered in one motion, rather than in two as is currently done.

- f) Notice(s) of Motion – All business before the Council is to receive proper public notice, therefore, introduction and immediate debate of an item of new business should not be occurring at a Council meeting. Should a member of Council wish to debate a matter, a notice of motion could be introduced under this section of the agenda and will appear on the next regular meeting agenda (under the heading of Business Arising from Notices of Motion) for debate at that time.

11.0 Order of Proceedings – Committee

The proposed by-law sets out the order of proceedings of the GPA Committee also. Similar to the agenda of Council, sections for Announcements and Presentations, as well as the following new sections, have been added:

- a) Public Meetings – Although the section “Public Meetings” is not new to the agenda, the by-law will now outline how the public meetings are to be conducted. This section essentially documents our existing practices.
- b) Communications – The Committee agenda currently does not include a section for correspondence to be considered. Should an individual forward correspondence related to a matter included under the “Public Meeting” section of the agenda, but they are unable to attend the meeting, the correspondence will be included under this section of the agenda.

12.0 Special Committee Agendas

The proposed by-law allows for special committees to be appointed to enquire into and report on any matter assigned to it. Subsection 6.3 of the proposed by-law sets out the agenda format for such special committee meetings.

13.0 Presentations

Subsection 7.4.2 of the proposed by-law outlines the procedure for utilizing the municipality’s audio visual equipment to assist in presentations. This procedure has been in place for some time, but staff is now recommending that it be incorporated in to the procedural by-law.

14.0 Delegations

The delegation section of the proposed by-law sets out rules for delegations at Council, committee and public meetings.

- a) General - The rules of the current by-law addressing delegations comprising a group of individuals and the timing of registering as a delegation have not changed. When the agenda is prepared, the delegations who registered by noon on the Wednesday preceding the meeting will be listed in the printed agenda. Those individuals who registered between 12:00 noon Wednesday, but before the

end of the business day on the Friday preceding the meeting, will be added to the agenda. A resolution to add these individuals is not necessary; the Municipal Clerk's Department will prepare a new list and ensure distribution of it prior to the meeting.

- b) Delegations To Council – The proposed by-law provides that delegations are restricted to speaking to matters that are included on the agenda. Given that, however, the by-law does not permit a delegate to speak to a matter that is the subject of a report from GPA which is included on the Council agenda, where the delegate spoke to the matter at the GPA meeting. Provision has been included in the by-law to allow for a delegate to address a matter not on the Council agenda if the Municipal Clerk determines that the matter is of an urgent nature and there is insufficient time for the delegation respecting it to be heard by GPA.
- c) Delegations to Committee – With the exception noted above, the proposed by-law indicates that all delegations will be heard at GPA.
- d) Time Limits – The current by-law allows for delegations to address Council or Committee for a time limit of 10 minutes. The proposed by-law amends the time limit to 5 minutes per delegation, in addition to the time taken by Council to ask questions of the delegate and to receive answers to such questions.
- e) Delegations at a Public Meeting – The rules for public meetings or a public workshop being held in accordance with the *Planning Act* or *Municipal Act* or any other act have not been altered with the proposed by-law, however a section has been included to stipulate a 10 minute time limit. The time limit for public meetings is recommended to be longer than that for registered delegations as, in most cases, the individuals attending the public meeting have not had an opportunity prior to the meeting to see or hear in detail the development in question. Once the detail is provided by Municipal Staff at the meeting, the residents then address GPA without the advantage of having an opportunity to prepare their submission, thus their comments may not be concise or succinctly conveyed. Individuals addressing a meeting as a registered delegation, however, typically have had an opportunity prior to the meeting to research the issue they are interested in and prepare a more concise and organized submission.
- f) Delegations at Special Meetings – The current by-law is silent on whether or not delegations will be heard a special meetings. Subsection 9.5 has been included in the proposed by-law to clearly indicate that delegations will not be heard at a special meeting, unless otherwise directed in the call of the special meeting.

15.0 Conduct of Delegations and Presenters

Subsection 9.6 of the proposed by-law addresses the conduct of delegations and presenters. Specifically, it does not allow individuals making representation to Council or GPA to speak disrespectfully of any person, use offensive words, speak on any subject other than the subject for which they have given notice to address Council or GPA, disobey the decision of the Chair, enter into debate with Members of Council or GPA or appropriate any unused time allocated to another delegation or presenter.

16.0 Reconsideration

Subsection 10.12.29 outlines the procedure for introducing a motion of reconsideration of any matter previously adopted by Council. The proposed by-law includes a section to allow for reconsideration of a particular matter or decision only once during the term of Council.

17.0 Conduct of the Audience

Subsection 10.14 of the proposed by-law addresses the conduct of the audience, specifically stating that they shall maintain order and quiet and may not:

- a) address Council or committee without permission.
- b) interrupt any speaker or action of the Members of Council/Committee or any other person addressing Council or committee
- c) speak out
- d) clap
- e) behave in a disorderly manner
- f) make any noise or sound that proves disruptive to the conduct of the meeting

18.0 Forthwith Recommendations at Committee

Traditionally, the Municipality has used "Forthwith" recommendations at the Committee level for matters which are of an urgent nature and require immediate action by staff. By moving a motion "Forthwith" staff know that the recommendation is most likely to pass at the Council level and they can begin to work on the item. It is not, however, fully approved until such time as Council approves the recommendation at the subsequent meeting. As items of new business can be introduced at the Committee level at any time without notice being given, this practice, in fact, allows a matter to receive the almost certain approval of Council without the public being aware that the matter is even going to be introduced and debated. In light of the new Accountability and Transparency aspects of the Act which come into effect January 1, 2008, it is recommended that we discontinue this practice. Should a matter be of such urgency that it cannot wait for Council approval the following week, a special Council meeting will be called and convened immediately following the Committee meeting in order to ratify that Committee decision only. This special Council meeting will, of course, meet all of the notice requirements contained within the procedural by-law.

19.0 Effective Date

Subsection 11.2 indicates that the proposed by-law shall come into effect on January 1, 2008.

20.0 Conclusion

The Municipality's procedural by-law was passed in 1995. Since that time, numerous amendments have been made to it, however, this is the first full review that has been undertaken. The amendments that are being recommended ensure that our by-law complies with all of the requirements of the Act, including those that come into effect January 1, 2008. The reformatting of the by-law will make it an easier document with which to work for both Council and staff. The proposed by-law has been reviewed with the Solicitor and he is agreement with the content of it. It is respectfully recommended that the by-law be forwarded to Council for passage and circulated to all local boards for their information. It is staff's intention to hold an education and training meeting on the new procedural by-law early in 2008.

BY-LAW 2007-

Being a by-law to govern the proceedings of the Council of the Municipality of Clarington, its General Purpose and Administration Committee and Special Committees, and to repeal By-law 95-55, as amended.

WHEREAS Section 238 of the *Municipal Act, 2001*, as amended, requires Council to adopt a procedure by-law for governing the calling, place, proceedings of meetings and for public notice of meetings;

THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON HEREBY ENACTS AS FOLLOWS:

Section 1 – Definitions and Interpretation

1.1 **SHORT TITLE:** This By-law may be cited as the "Procedural By-law".

1.2 For the purposes of this By-law, unless stated otherwise or the context requires a different meaning:

Chair in the case of the Council means the Mayor, Deputy Mayor, or the Member of Council appointed to act as Chair during the absence of the Mayor and Deputy Mayor from a Meeting or a portion of a Meeting. While acting as Chair the Member shall exercise all of the powers and responsibilities of the Mayor under this Procedural By-law. In the case of the GPA, Chair means the Mayor, Deputy Mayor or Department Chair, whoever presides over a portion of a Meeting of GPA as provided for in subsections 5.1.1 (b), inclusive, of this Procedural By-law. In the case of a Special Committee, Chair means the Member appointed as such by Council pursuant to subsection 5.2.3 of this Procedural By-law.

Committee means a committee of Council and includes Standing Committees, or sub-committees of the Standing Committees.

Council means the Council of the Municipality.

Councillor means a person elected or appointed as a Member of Council but does not include the Mayor.

Delegation means a person desiring to verbally present information on matters of fact, or to make a request to Council, GPA or a Special Committee, as the case may be.

Department Chair means a Member appointed as such pursuant to subsection 5.1.1 of this Procedural By-law.

Deputy Mayor means the Member of Council who is appointed to this position by By-law and who in the absence of the Mayor shall exercise all of the powers and responsibilities of the Mayor as provided for in this By-law or any other by-law or statute.

GPA means the General Purpose and Administration Committee of Council.

Holiday means a holiday as defined by the *Interpretation Act, R.S.O. 1990, Chapter I.11*, as amended.

Mayor means the Mayor who is the Head of Council.

Meeting means a regular or special meeting of Council, GPA, or a Special Committee of Council, as the context requires.

Member means a Member of Council.

Municipal Act, 2001 means the Municipal Act, 2001, S.O. 2001, c.25, as amended or replaced from time to time.

Municipal Clerk means the Clerk of the Municipality of Clarington and includes the Deputy Clerk and any official of the Municipality appointed by Council to exercise the power(s) of the Municipal Clerk in the absence of the Municipal Clerk and Deputy Clerk.

Municipal Conflict of Interest Act means the *Municipal Conflict of Interest Act, R.S.O. 1990, c.M.14*, as amended or replaced from time to time.

Municipal Elections Act, 1996 means the *Municipal Elections Act, 1996, S.O. 1996, c.32*, as amended or replaced from time to time.

Municipal Freedom of Information and Protection of Privacy Act means the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56*, as amended or replaced from time to time.

Municipality means the Municipality of Clarington.

Notice of Motion means a written notice, including the names and signatures of the mover and seconder, advising Council that the motion described therein will be brought forward at a subsequent meeting.

Pecuniary Interest has the same meaning as the term has in the Municipal Conflict of Interest Act.

Planning Act means the *Planning Act, R.S.O. 1990, c.P.13*, as amended or replaced from time to time.

Point of Order means a statement made by a Member of Council during a Meeting drawing to the attention of the Mayor or Chair a breach of the Rules of Procedure.

Point of Privilege means the raising of a question that concerns a Member of Council, or all of the Members of Council, when a Member believes that his rights, immunities or integrity or the rights, immunities or integrity of Council as a whole have been impugned.

Presiding Member means the Member appointed to act as Chair pursuant to subsections 7.1.3 and 8.1.1 of this Procedural By-law.

Procedural Motion means any motion concerning the manner or time of consideration of any matter before the Council as opposed to the substance thereof and includes, without limitation, the following:

- a) to extend the time of the Meeting;
- b) to refer;
- c) to amend;
- d) to recess;
- e) to table;
- f) to lift from the table;
- g) to adjourn;
- h) to defer indefinitely or to a certain day;
- i) to divide;
- j) Point of Privilege;
- k) question be now put; or
- l) to suspend the Rules of Procedure.

Public Meeting means a hearing, a public meeting, or a public workshop held in accordance with the Planning Act or any other Act, for which notice has been given and during which any person in attendance shall be provided an opportunity to make representation in respect of the matter for which the Public Meeting is held.

Recorded Vote means the written record of the name and vote of every Member present when the vote is called on any matter or question.

Rules of Procedure means the rules and requirements of this Procedural By-law.

Special Committee means a Special Committee of Council appointed pursuant to subsection 5.2.3 of this Procedural By-law.

Standing Committee means the General Purpose and Administration Committee of Council.

Substantive Motion means any motion other than a Procedural Motion and includes but is not limited to, a motion that embodies and/or establishes a policy, ratifies an action, or gives direction on a matter.

Website means the Municipality's website address at www.clarington.net.

- 1.3 Unless the context otherwise requires, in this Procedural By-law the words used in the male gender shall include the female gender and the singular includes the plural, and vice versa, as the context requires.

Section 2 – General Provisions

Applicability

- 2.1 Without derogating from the other provisions of this Procedural By-law, the rules and requirements contained in it shall be observed in all proceedings of Council, GPA and Special Committees and shall be the rules and requirements which govern the order of their business.

Suspension of Rules of Procedure

- 2.2 Despite subsection 2.1, the rules and requirements contained in this By-law may be suspended by a vote of three-quarters (3/4) of the Members present and voting.

Issue not Addressed

- 2.3 If an issue is raised that is not expressly addressed in this By-law, the issue shall be decided by the Mayor, Deputy Mayor or Chair, subject to an appeal to the Council, GPA or Special Committee, as the case may be.

Section 3 – Duties of Council

3.1 Duties of the Mayor

- 3.1.1 It shall be the duty of the Mayor to carry out the responsibilities set forth in the *Municipal Act, 2001, section 225*, and:
- a) To open the Meeting of Council by taking the Chair and calling the Members to order;
 - b) To announce the business before Council in the order in which it is to be acted upon;
 - c) To receive and submit, in the manner prescribed by this Procedural By-law, all motions presented by the Members of Council;
 - d) To recognize any Member who wishes to speak and to determine the order of the speakers;
 - e) To put to vote all questions, which are regularly moved and seconded, or necessarily arise in the course of the proceedings and to announce the results;

- f) To vote on all motions, which are moved and seconded, or necessarily arise in the course of the proceedings;
- g) To decline to put to vote, motions which contravene the provisions of this Procedural By-law;
- h) To enforce the provisions of this Procedural By-law;
- i) To enforce on all occasions, the observance of order and decorum among the Members;
- j) To call by name, any Member refusing to comply with this Procedural By-law and to order the Member to vacate the Council Chamber, or the place of Meeting, as the case may be;
- k) To cause to be expelled and excluded any member of the public who creates any disturbance or acts improperly during a Meeting and, if necessary, to direct the Municipal Clerk to seek the appropriate assistance from the Durham Regional Police;
- l) To authenticate, by signature, all by-laws and Meeting minutes;
- m) To rule on any points of order raised by Members of Council;
- n) To represent and support the decisions of Council, declaring its will and explicitly and implicitly obeying its decisions in all things; and
- o) To adjourn the Meeting when the business is concluded, or if considered necessary by him because of grave disorder, to adjourn the sitting without putting to the vote any question, or suspend the sitting for a time to be named.

3.2 Appointment of Deputy Mayor

- 3.2.1 At the first meeting of Council or as soon thereafter as is practicable, Council shall appoint a Member to act as a Deputy Mayor in the absence of the Mayor. During any such absence of the Mayor, the Deputy Mayor shall exercise all of the powers and responsibilities of the Mayor under this By-law or any other by-law or statute.
- 3.2.2 Further to the appointments referenced in subsection 3.2.1, Council, in its discretion, may appoint a Member to act as Deputy Mayor for the term of Council. Alternatively, Council may appoint two Members of Council each of whom shall act as Deputy Mayor during periods of the term of Council which are specified in the by-law by which they are appointed.

3.3 Participation of Chair in Debate

- 3.3.1 The Chair who presides over any part of a Meeting may state relevant facts and the Chair's position on any matter before the Council, GPA, or a Special Committee without leaving the chair, which may take place immediately prior to the vote, but it shall not be permissible for the Chair to move a motion or debate a question without first leaving the chair.
- 3.3.2 If during a Meeting of Council the Mayor desires to leave the chair to move a motion or to take part in the debate pursuant to subsection 3.3, or otherwise, the Mayor shall call on the Deputy Mayor to preside until the Mayor resumes the chair.
- 3.3.3 If, at a Committee Meeting, the Chair desires to leave the chair to move a motion or to take part in the debate pursuant to subsection 3.3, or otherwise, the Chair shall call on the Mayor to preside until the Chair resumes the chair.

3.4 Duties of a Member of Council

3.4.1 A Member of Council shall have the following duties:

- a) to deliberate on the business submitted to Council, GPA or Special Committee of Council, as the case may be;
- b) to vote when a motion is put to a vote;
- c) to Chair the portion of the GPA Meeting for which he is the Department Chair and assume the duties of the Mayor as detailed in subsection 3.1.1 with the exception of subsections 3.1.1 (a), (l), (n), and (o); and
- d) to apply and respect the Rules of Procedure.

Section 4 – Meetings

4.1 Regular Meetings

4.1.1 Unless otherwise directed by Council, the regular Meetings of Council and GPA shall be held in the Council Chambers, Municipal Administrative Centre, 40 Temperance Street, Bowmanville, ON and at the dates and times as determined by Council resolution.

4.1.2 Unless otherwise directed by Council, the Special Committee Meetings shall be scheduled by the Special Committee Chair at times and locations as deemed appropriate to the mandate of the Special Committee.

4.2 Special Meetings

4.2.1 In addition to regular Meetings, special Meetings of Council or GPA shall be held upon written direction signed by the Mayor and delivered to the Municipal Clerk stating the date, time, location, and purpose of such Meeting.

4.2.2 The Mayor may, at any time, summon a special Meeting of Council or GPA and shall summon a special Meeting of Council or GPA when requested to do so in writing by a majority of Members, at the time mentioned in the request.

4.2.3 The Municipal Clerk shall summon a special Meeting of Council or GPA, when requested to do so in writing by a majority of the Members, at the time mentioned in the request.

4.2.4 Notwithstanding subsection 4.2.1, on urgent and extraordinary occasions, an emergency special Meeting of the Council may be called by the Mayor, without advance notice being given by the Municipal Clerk pursuant to this by-law, to consider and deal with such urgent and extraordinary matters. In this case, consent of two-thirds of the Members to hold such Meeting is necessary and such consent, if any, shall be recorded in the minutes by the Municipal Clerk.

4.3 First Meeting of Council

4.3.1 The first Meeting of Council shall be held on the first Monday after Council takes office pursuant to the Municipal Elections Act, 1996, at 7:00 pm in the Council Chambers, Municipal Administrative Centre, 40 Temperance Street, Bowmanville, ON.

4.4 Seating and Persons within Council Ring

4.4.1 Seating at the Council table shall be in alphabetical order of the Members' surname, beginning in the most north/east position and proceeding clockwise.

4.4.2 Only Members of Council and the Municipality's staff shall be permitted to enter the Council floor during the sitting of Council, GPA or Special Committee without the permission of the Mayor or Committee Chair.

4.4.3 No person, other than a Member of Council or the Municipality's staff, shall, before or during a Meeting, place on the desks of Members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the Mayor or Committee Chair.

4.4.4 Members of Council leaving their places prior to the adjournment shall endeavour to do so in a manner so as not to disrupt the proceedings of Council or Committee.

4.5 Quorum

4.5.1 A quorum of Council and the GPA shall be four (4) Members. A concurring vote of a majority of Members present and voting is necessary to carry a resolution. A quorum of a Special Committee shall be a majority of the Members of the Special Committee.

4.5.2 If a quorum is not present within thirty (30) minutes after the time appointed for a Meeting, the Municipal Clerk, or designate, shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next regular Meeting or other Meeting called in accordance with this Procedural By-law.

4.6 Meetings Open to Public

4.6.1 Subject to subsection 4.7, Meetings shall be open to the public and no person shall be excluded there from except for improper conduct.

4.7 Closed Meetings

4.7.1 Council, GPA or a Special Committee may, by resolution, close a Meeting or part of a Meeting to members of the public if the subject matter to be considered is:

- a) the security of the property of the Municipality;
- b) personal matters about an identifiable individual, including municipal staff and local board staff;
- c) a proposed or pending acquisition or disposition of land by the Municipality;
- d) labour relations or employee negotiations;
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality;
- f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; or
- g) a matter in respect of which the Council and Committee is authorized by statute to hold a closed Meeting.

4.7.2 Council, GPA or a Special Committee shall, by resolution, close a Meeting or part of a Meeting to members of the public where the subject matter to be considered is a request under the *Municipal Freedom of Information and Protection of Privacy Act*.

- 4.7.3 Council, GPA or Special Committee may hold a Meeting closed to the public where the Meeting is held for the purpose of educating or training the Members and at the Meeting no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, GPA or Special Committee.
- 4.7.4 A motion to close a Meeting or part of a Meeting to the public shall state:
- a) the fact of the holding of the closed Meeting; and
 - b) the general nature of the matter to be considered at the closed Meeting.
- 4.7.5 Where a Meeting or part of a Meeting is closed to the public, Council, GPA or the Special Committee shall:
- a) retire to the Council Ante Room or other such room as deemed appropriate by Council, GPA or the Special Committee and only those persons specifically invited to attend the closed Meeting shall be permitted to attend; or
 - b) request those persons not specifically invited to the closed Meeting to vacate the Council Chambers, or such room in which the Meeting is being held, as the case may be.
- 4.7.6 A Meeting shall not be closed to the public during a vote except where the meeting is a closed Meeting permitted or required by statute, and where the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality or persons retained under contract with the Municipality.
- 4.7.7 Notwithstanding subsection 4.7.6, the vote on a resolution approving a contract for the acquisition or disposal of land, including the sale of road allowances, shall be conducted in open session.

4.8 Notice of Meeting

Regular Meetings

- 4.8.1 In December of each year, public notice of the regular Meeting schedule for the following year shall be published in the newspapers of general circulation in the Municipality and posted on the Website. This notice of all Meetings shall include the date, time and location of the Meetings.
- 4.8.2 Pursuant to Section 238 of the *Municipal Act, 2001* public notice of each regularly scheduled Meeting shall be deemed to be given by making the agenda available in the Municipal Clerk's Office by end of business day of the Friday preceding the regularly scheduled Meeting and on the Website. For special Meetings notice shall be posted as soon practicable preceding the meeting on the Website.

Special Meetings

- 4.8.3 Notice of amendment to the Schedule of regular Meetings shall be posted on the Website at least one week prior to the amended Meeting date where practicable to do so.
- 4.8.4 Notice of special Meetings shall be posted on the Website not less than twenty-four (24) hours before the time appointed for the special Meeting.

4.8.5 In addition to the notice provided for in subsection 4.8.4, written notice of a special Meeting of Council, GPA or Special Committee shall be given to all Members at least twenty-four (24) hours before the time appointed for such Meeting and shall be delivered:

- a) in hardcopy to the Councillors' Offices located at the Municipal Administrative Centre; and
- b) electronically via email to their Municipal email address.

4.8.6 The written notice referred to in subsection 4.8.5 above shall indicate the nature of the business to be considered at the special Meeting of Council, GPA or Special Committee and the date, time and place of the Meeting.

Emergency Special Meetings

4.8.7 Where an Emergency special Meeting of Council is held in accordance with subsection 4.2.4, notice of the Emergency special Meeting shall be posted on the website as soon as practicable following the Emergency special Meeting and shall, subject to subsection 4.7.1, indicate the nature of the business considered at the Emergency special Meeting.

4.9 Adjournment – Due Hour

4.9.1 Except as provided in subsection 10.12.34, a regular or special Meeting of Council, GPA or Special Committee shall adjourn at the hour of 11:00 pm, if in session at that time, and shall reconvene at such other day and time as Council, GPA or Special Committee, by resolution, may direct.

Section 5 – Committees

5.1 General Purpose and Administration Committee

5.1.1 There shall be one Standing Committee of Council, namely the General Purpose and Administration Committee of Council which shall be organized as follows:

- a) The GPA shall be comprised of all Members of Council.
- b) Each Member shall be appointed by by-law as a Department Chair as soon as is practicable after the first Meeting of Council or a vacancy occurs for which he has been appointed Department Chair.. The Department Chair shall take the chair during that portion of the GPA meeting dealing with the matters pertaining to the Department for which he has been appointed Department Chair.
- c) The Chair shall call the meeting to order, preside during presentations and delegations, and chair that portion of the meeting dealing with the matters pertaining to the Department for which he has been appointed Department Chair. As well, the Chair shall chair those portions of the meeting dealing with matters raised under Other Business or continued to be considered under Unfinished Business of the agenda and the motion to adjourn.

5.2 GPA Mandate

5.2.1 The GPA shall consider all reports submitted to it by the Chief Administrative Officer or Director of a Department, except where the GPA tables or refers the report back to the Director of a Department for further processing or to answer questions raised by the GPA. In all cases in which the GPA makes recommendations respecting such matters, the GPA shall forward such recommendations to Council for consideration at the next regular Meeting of Council. In addition, the GPA shall report to Council on any matter within the jurisdiction of the Municipality and any other matter referred to it by Council and exercise such powers as may be delegated to it by Council.

Exceptions

5.2.2 Notwithstanding the GPA Mandate outlined in subsection 5.2.1 and the provisions of subsection 9.4.1, Council may consider any matter without referring it to GPA and may withdraw a matter from GPA at any time.

5.2.3 Notwithstanding the GPA mandate outlined in subsection 5.2.1, Council may at any time appoint one or more Members to a Special Committee and appoint one of such Members the Chair of the Special Committee. A Special Committee shall enquire into and report on any matter assigned to it by Council. A Special Committee may appoint a sub-committee of the Special Committee and the chair of the sub-committee to assist the Special Committee in performing its mandate.

5.3 Appointments to Municipal Service Boards, Advisory Committees and Corporations

5.3.1 The appointments of persons to Municipal Service Boards, Advisory Committees and to the board of directors of Veridian Corporation shall be considered by Council as soon as practicable following the first Meeting of Council, or as soon as practicable after a vacancy occurs.

Section 6 – Agendas and Minutes

6.1 Council Agenda

6.1.1 The Municipal Clerk shall cause to be prepared a printed agenda under the following headings for the use of the Members at the regular Meetings of Council:

- Meeting Called to Order
- Invocation
- Disclosure of Pecuniary Interest
- Announcements
- Adoption of Minutes of previous meeting(s)
- Presentations
- Delegations
- Communications
- Committee Report(s)
- Staff Report(s)
- Business Arising from Notice of Motion
- Unfinished Business
- By-laws
- Notices of Motion (for consideration at subsequent Meeting)
- Other Information
- Confirming By-law
- Adjournment

6.1.2 The agenda shall be placed in each Members' mail box at the Municipal Administrative Centre no later than 12:00 noon the Friday preceding the commencement of the regular Council Meeting in question.

6.1.3 The business of Council shall be considered in the order as it appears on the agenda, unless otherwise decided by a vote of the majority of the Members present and voting.

6.2 GPA Agenda

6.2.1 The Municipal Clerk shall cause to be prepared a printed agenda under the following headings for the use of the Members at the regular meetings of GPA:

- Meeting Called to Order
- Disclosure of Pecuniary Interest
- Announcements
- Adoption of Minutes of previous meeting(s)
- Presentations
- Delegations
- Public Meetings
- Staff Reports
 - Planning Services Department
 - Engineering Services Department
 - Operations Department
 - Emergency and Fire Services Department
 - Community Services Department
 - Municipal Clerk's Department
 - Corporate Services Department
 - Finance Department
 - Chief Administrative Office
- Unfinished Business
- Other Business
- Communications (referred from Council or urgent)
- Adjournment

6.2.2 The business of GPA shall be considered in the order as it appears on the agenda for its Meeting, unless otherwise decided by a vote of the majority of the Members present and voting.

6.2.3 The Municipal Clerk shall ensure that the GPA agenda is placed in each Member's mail box at the Municipal Administrative Centre no later than 12:00 noon the Friday preceding the commencement of the regular Committee Meeting.

6.3 Special Committee Agendas

6.3.1 The Municipal Clerk shall cause to be prepared a printed agenda under the following headings for the use of the Members at the meetings of the Special Committee:

- Meeting Called to Order
- Disclosure of Pecuniary Interest
- Adoption of Minutes
- Matters of Business
- Adjournment

6.3.2 The business of Special Committee shall be considered in the order as it appears on the agenda for its Meeting, unless otherwise decided by a vote of the majority of the Members present and voting.

6.3.3 The Municipal Clerk shall ensure that the Special Committee agenda is placed in each Member's mail box at the Municipal Administrative Centre no later than 24 hours preceding the commencement of the Special Committee Meeting.

6.4 Meeting Minutes

6.4.1 The Municipal Clerk, or designate, shall cause minutes to be taken of each Meeting of Council, GPA or a Special Committee, whether it is closed to the public or not. These minutes shall include:

- a) the place, date and time of Meeting;
- b) the names of the presiding officer or officers and a record of the attendance of the Members; should a Member enter after the commencement of a Meeting or leave prior to adjournment, the time shall be noted;
- c) the reading, if requested, correction and confirmation of the minutes of prior Meetings;
- d) declarations of pecuniary interest;
- e) all resolutions, decisions and all other proceedings of Council, GPA or Special Committee, as the case may be, without note or comment.

6.4.2 Where the minutes have been delivered to the Members in advance of the Meeting, the minutes shall not be read, and a resolution that the minutes be approved shall be in order.

6.4.3 Following approval of the minutes, the minutes shall be signed by the Mayor and the Municipal Clerk or designate.

6.4.4 The Municipal Clerk, or designate, shall ensure that the minutes of the last regular Meeting of Council, and all special Meetings of Council, GPA and Special Committee held more than five (5) days prior to a regular Meeting are included in the agenda prepared in accordance with subsections 6.1, 6.2 and 6.3 of this Procedural By-law.

Section 7 – Order of Proceedings - Council

7.1 Call to Order

7.1.1 As soon as a quorum is present after the hour set for the Meeting, the Mayor shall take the chair and call the Members present to order.

7.1.2 If the Mayor does not attend within fifteen (15) minutes after the time set for the Meeting and a quorum is present, the Deputy Mayor shall preside over the Meeting and shall exercise all duties and responsibilities of the Mayor as outlined in this Procedural By-law until the Mayor is present at the Meeting and is able to perform his responsibility to assume the chair.

7.1.3 If the Deputy Mayor is also not present within fifteen (15) minutes after the time set for the Meeting and a quorum is present, the Municipal Clerk, or designate, shall call the meeting to order, and the Members present shall appoint a Presiding Member who shall act as Chair of the Meeting until the arrival of the Mayor or Deputy Mayor, whoever is the first to arrive and is able to assume the chair.

7.2 Disclosure of Pecuniary Interest

7.2.1 All Members shall govern themselves at any Meeting in accordance with the current legislation respecting any disclosure of pecuniary interest and participation in the Meeting.

7.3 Announcements

7.3.1 During this portion of the Meeting, Members may announce or comment on community events and activities when recognized by the Chair.

7.4 Presentations

7.4.1 At the request of a Member of Council or the Municipality's staff, any person(s), organization(s), corporations(s), or appointed official(s) may be permitted to address the Members to inform them of matters of significance to the Municipality provided that the request has been submitted to the Municipal Clerk by 12:00 noon the Wednesday preceding the Meeting.

Presentations shall include only the following:

- a) Civic recognition / awards;
- b) Presentations by Municipal staff or consultants retained by the Municipality;
- c) Presentations of information related to Special Committees of Council;
- d) Presentations from senior levels of government or other municipal governments; or
- e) Other presentations as deemed appropriate by the Municipal Clerk.

7.4.2 Municipal audio visual equipment may be used to assist in presentations, provided that permission has been obtained for use of such equipment from the Municipal Clerk, or designate, at the time the presenter(s) contact the Municipal Clerk's Department to register for the Meeting. Presentations must be provided to the Municipal Clerk's Department no later than 4:30 pm the Thursday preceding the commencement of the Meeting. Presentations will not be installed once the meeting has begun.

7.5 Delegations

7.5.1 See Section 9.

7.6 Communications

7.6.1 Every written communication, designed to be presented to Council, shall be legibly written or printed, shall not contain any impertinent or improper matter or language, shall identify the author(s), and shall be filed with the Municipal Clerk before it is presented to Council.

7.6.2 Every written communication shall be delivered to the Municipal Clerk no later than Wednesday noon before the commencement of the Meeting. The Municipal Clerk shall determine whether it should be included in the agenda for the Meeting. The Municipal Clerk shall ensure that a summary of the content of the communication and a recommendation for disposal is prepared and included in the agenda.

7.6.3 Notwithstanding subsection 7.6.2, and at the discretion of the Municipal Clerk, correspondence received after noon on Wednesday and prior to the commencement of the meeting of Council, which is of an urgent nature or directly relevant to a matter on the agenda for the Meeting, may be communicated to Council by way of memo to Members from the Municipal Clerk. The memo shall include a summary of the content of the communication and a recommendation respecting the disposition of it.

7.7 Committee Reports

7.7.1 Reports of GPA and Special Committees shall be listed under this section of the Council agenda.

- 7.7.2 Reports of GPA and Special Committees may be disposed of through a single resolution for each report as presented. Alternatively, any Member may request that one or more recommendations contained in the Report be separated and voted on separately.
- 7.8 Staff Reports**
- 7.8.1 Notwithstanding subsection 8.7.1, the Staff Reports section of the Council agenda shall include any staff report that due to timing, urgency, the important nature of the report and/or expediency, the Chief Administrative Officer determines should be considered by Council without first being presented to GPA for consideration and report by GPA.
- 7.9 Business Arising from Notice(s) of Motion**
- 7.9.1 A Notice of Motion properly given at a previous Council meeting, in accordance with subsection 7.12, or which has been delivered to the Municipal Clerk prior to 12:00 noon the Wednesday preceding the Meeting at which it is to be presented for consideration, shall be listed on the agenda for the Meeting, and shall be dealt with at that Meeting.
- 7.10 Unfinished Business**
- 7.10.1 Any matters presented, considered, referred or tabled or any delegations not otherwise disposed of through the consideration of an agenda matter, shall be disposed of during this portion of the Meeting.
- 7.11 By-laws**
- 7.11.1 No by-law, except a by-law to confirm the proceedings of Council; a by-law granting authority to borrow under the authority of the Municipal Act, 2001; by-laws appointing persons affiliated with private parking authorities to enforce the municipal parking by-law, or any by-law arising as the result of an order or decision of any judicial or quasi-judicial body, shall be presented to Council unless the subject matter thereof has been considered by Council or by GPA and has been approved by Council.
- 7.11.2 All by-laws shall be given first, second and third readings in a single motion, unless a Member wishes to discuss the contents of the by-law, at which time the subject by-law shall be removed from the motion and dealt with separately.
- 7.11.3 Every by-law when introduced, shall be in typewritten form, and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provision of any Statute, and shall be complete with the exception of the number and date of the by-law.
- 7.11.4 The Municipal Clerk shall endorse on all by-laws enacted by Council, the date of the several readings, if any, thereof.
- 7.11.5 Every by-law which has been enacted by Council shall be numbered and dated, signed by the Mayor and the Municipal Clerk, sealed with the seal of the Municipality, and shall be retained under the control of the Municipal Clerk.
- 7.12 Notice(s) of Motion**
- 7.12.1 Notices of Motions introducing new matters, except for those motions listed under subsection 10.12.8 (motions without notice, without leave and without debate) shall be given to the Municipal Clerk, in writing and signed by the mover and seconder at a meeting of Council, but shall not be debated until the next regular meeting of Council.

- 7.12.2 Where a Notice of Motion has been given under subsection 7.12.1, the Notice of Motion shall be printed in full in the Agenda, under "Business Arising from Notice of Motion" for that meeting of Council and each succeeding meeting until the motion is considered or otherwise disposed.
- 7.12.3 When a Member's Notice of Motion has been called by the Chair at two successive meetings and not proceeded with, it shall be removed from the agenda for all subsequent Meetings, unless Council otherwise decides.
- 7.12.4 Notwithstanding anything contained in this subsection 7.12, a motion introducing new matters may be introduced without notice to Council, upon suspending the rules in accordance with subsection 2.2.
- 7.12.5 During a meeting of GPA, a motion may be introduced by a Member without Notice.
- 7.13 Other Business**
- 7.13.1 Items of an "information nature only" shall be raised under the Other Business section of the agenda.

Section 8 – Order of Proceedings - GPA

- 8.1 Call to order**
- 8.1.1 See subsection 7.1.
- 8.2 Disclosure of Pecuniary Interest**
- 8.2.1 See subsection 7.2
- 8.3 Announcements**
- 8.3.1 See subsection 7.3.
- 8.4 Presentations**
- 8.4.1 See subsection 7.4.
- 8.5 Delegations**
- 8.5.1 See section 9.
- 8.6 Public Meetings**
- 8.6.1 Public Meetings shall be conducted in the following manner:
 - a) The Chair shall state the purpose of the Public Meeting and shall explain to those present how the Public Meeting shall be conducted.
 - b) A member of the Municipality's staff shall address the GPA to present the matter to the GPA.
 - c) Members of the public shall then be permitted to make representation regarding the matter. The order in which members of the public shall be heard is those opposed, those in support, and then the applicant or agent who is present and indicates his desire to be heard.
- 8.7 Staff Reports**
- 8.7.1 Reports from the Municipality's staff shall be submitted to GPA for consideration.

8.8 Communications

8.8.1 Notwithstanding subsection 7.6, the following written communications may be presented to GPA and shall be printed at the end of the agenda under the heading Communications or shall be distributed to Members of GPA under separate cover, in cases in which the timing of receipt of the communication is between the printing of the agenda and the commencement of the Meeting:

- a) written submissions regarding a matter for which a Public Meeting is scheduled and the author has requested that the communication be distributed to Members at the Public Meeting;
- b) written communications that have been referred to GPA by Council.

8.9 Unfinished Business

8.9.1 See subsection 7.10.

8.10 Other Business

8.10.1 Members may introduce any other business, not otherwise disposed of under this section of the agenda.

Section 9 – Delegations

9.1 General

9.1.1 Where a single Delegation comprises more than five persons, only two of them may make verbal submissions to Council, GPA or the Special Committee, as the case may be. The Delegation shall be limited to the time fixed by subsections 9.2.4 or 9.3.2, whichever is applicable.

9.1.2 Members may ask questions of Delegations only to clarify their submissions or to elicit further information from them that is relevant to their submissions.

9.1.3 Where a Delegation wishes to provide Members with a petition and/or a written communication supporting the Delegation's comments, the petition and/or communication shall be provided to the Municipal Clerk, or designate. The written communication may be distributed to the Members at the discretion of the Municipal Clerk, or designate.

9.2 To Council

9.2.1 Delegations shall be restricted to speaking to matters included on the Council agenda for the Meeting in question.

9.2.2 Notwithstanding subsection 9.2.1, Delegations shall not be permitted to speak to a matter that is the subject of Report from GPA which is included on the Council agenda, where the Delegation spoke to the matter at the GPA meeting which is being reported to Council.

9.2.3 Notwithstanding subsection 9.2.1, where the Municipal Clerk determines that the matter is of an urgent nature and there is insufficient time for a Delegation respecting it to be heard by the GPA, subject to subsection 9.2.4, the Delegation may be permitted to speak to Council on the matter.

Request to Speak – Required

9.2.4 Delegations shall notify the Municipal Clerk no later than close of business on the Friday preceding the Council Meeting and shall state the nature of the issue they wish to address.

Time Limits

- 9.2.5 Each Delegation to Council in respect of a particular matter shall be limited to five (5) minutes in addition to the time taken by Council to ask questions of the delegate and to receive answers to such questions.

9.3 To GPA or Special Committee

- 9.3.1 For clarification, except where a particular matter has been reported by the Director of a Department or the Chief Administrative Officer directly to Council, or in cases in which the Municipal Clerk determines that the matter is of an urgent nature and there is insufficient time for a delegation respecting it to be heard by the Committee, all Delegations shall be directed to and heard by GPA or a Special Committee, as determined by the Municipal Clerk.

Time Limits

- 9.3.2 Each Delegation to GPA or Special Committee in respect of a particular matter shall be limited to five (5) minutes in addition to the time taken by the Members to ask questions of the Delegation and to receive answers to such questions.

Request to Speak – Required

- 9.3.3 Delegations shall notify the Municipal Clerk no later than close of business on the Friday preceding the GPA or Special Committee Meeting and shall state the nature of the issue they wish to address.

9.4 At a Public Meeting

- 9.4.1 Where Council has passed a by-law delegating to GPA, Council's responsibility to conduct a hearing, a Public Meeting, or a public workshop, before passing a by-law or prior to adopting and approving an Official Plan Amendment or approving a draft plan of subdivision, under the *Municipal Act, 2001*, or the *Planning Act*, the GPA shall conduct such hearing, Public Meeting, or public workshop.

Time Limits

- 9.4.2 Notwithstanding subsection 9.3.2, Delegation to GPA in respect of any such matter for which the Public Meeting is held, shall be limited to ten (10) minutes in addition to the time taken by Members to ask questions of the Delegation and to receive answers to such questions.

Request to Speak – No Request Required

- 9.4.3 A person wishing to make representation on a matter for which a Public Meeting is held, is not required to give written notice or to be listed on the GPA agenda for the Meeting in question.

9.5 Special Meetings

- 9.5.1 No Delegation will be heard at a special Meeting of Council unless otherwise directed in the call of the special meeting.

9.6 Conduct of Delegations and Presenters

- 9.6.1 Delegations and presenters shall not:
- a) Speak disrespectfully of any person;
 - b) Use offensive words;
 - c) Speak on any subject other than the subject for which they have given notice to address Council/Committee;

- d) Disobey the decision of the Chair;
- e) Enter into debate with Members; and
- f) Appropriate any unused time allocated to another Delegation or presenter.

Section 10 – Rules of Debate and Conduct

10.1 Conduct of Members of Council, GPA and Special Committees

10.1.1 No Member shall:

- a) Speak disrespectfully of any elected assembly;
- b) Use offensive words or unparliamentary language or speak disrespectfully against the Council, against any Member, or against any officer or employee of the Municipality;
- c) Speak on any subject other than the subject in debate;
- d) Disobey the Rules of Procedure or a decision of the Chair, whoever is in the chair for the Meeting or a portion of the Meeting, on questions of Points of Order or procedure or upon the interpretation of the Rules of Procedure except where the ruling of the Chair is reversed by Council pursuant to subsection 10.6.3. If a Member persists in any such disobedience after having been called to order by the Chair, the Chair shall forthwith order him or her to vacate the Council Chambers or room in which the Meeting is being held, but if the Member apologizes he or she may, by majority vote of the Members, be permitted to retake his or her seat;
- e) Speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, ethnic origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status, or disability; and
- f) Where a matter has been discussed in a closed Meeting, and where the matter remains confidential, disclose the content of the matter or the substance of the deliberations of the closed Meeting to any person.

10.2 Address the Chair

- 10.2.1 Any Member desiring to speak shall signify their desire to speak in such a manner as the Chair may direct, and upon being recognized by him, shall address the Chair.

10.3 Order of Speaking

- 10.3.1 When two or more Members signify a desire to speak, the Chair shall recognize the Member who, in the opinion of the Chair, so signified first and next recognize in order the other Members.

10.4 Point of Privilege

- 10.4.1 Where a Member considers that his rights or integrity or the rights or integrity of the Council or Committee as a whole have been impugned, as a matter of Privilege, the Member may rise on a Point of Privilege at any time, with the consent of the Chair, for the purpose of drawing the attention of Council or Committee to the matter.

- 10.4.2 A Member who desires to address Council, GPA or a Special Committee, as the case may be, on a matter which concerns the rights or privileges of the Council collectively, or as an individual Member, will be permitted to raise such Point of Privilege. A breach of privilege is a willful disregard by a Member or any other person of the dignity and lawful authority of Council. A Point of Privilege will take precedence over other matters. When a Member raises a Point of Privilege, the Chair may use the words "Councillor...state your Point of Privilege". While the Chair is ruling on the point of Privilege, no one will be considered to be in possession of the floor, but thereafter the Member in possession of the floor when the Point of Privilege was raised, has the right to the floor when debate resumes.
- 10.5 Point of Order**
- 10.5.1 The Chair shall preserve order and decide on Points of Order.
- 10.5.2 A Member who desires to call attention to a violation of the Rules of Procedure will ask leave of the Chair to raise a Point of Order. When leave is granted, the Chair may use the words "Councillor...state your Point of Order." The Member will state the Point of Order with a concise explanation and will comply with the decision of the Chair. The Member in possession of the floor when the Point of Order was raised has the right to the floor when debate resumes.
- 10.6 Appeal of Ruling of Chair**
- 10.6.1 With respect to a ruling on either a Point of Privilege or Point of Order, if the Member does not appeal immediately thereafter to Council, GPA or Special Committee, as the case may be, the decision of the Chair shall be final.
- 10.6.2 If the Member wishes to appeal the decision of the Chair, he shall appeal immediately to Council, GPA or the Special Committee, as the case may be, otherwise, the decision of the Chair is final.
- 10.6.3 If the decision is appealed, the Chair will give concise reasons for his ruling, and will call a vote by Council, GPA or Special Committee, as the case may be, without debate on the following question: "Will the ruling be sustained?", and the decision of Council, GPA or the Special Committee is final. The Chair may vote on this question. In the event of a tie of votes, the ruling of the Chair shall be deemed to be sustained.
- 10.7 Members Speaking**
- 10.7.1 When a Member is speaking, no other Member shall pass between him and the Chair, or interrupt him except to raise a Point of Order.
- 10.8 Question Read**
- 10.8.1 Any Member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member while he is speaking.
- 10.9 Speak Once - Reply**
- 10.9.1 No Member shall speak more than once to the same question without leave of Council, GPA or Special Committee, as the case may be, except that a reply shall be allowed to be made only by a Member who has presented the motion, but not by any Member who has moved an amendment or procedural motion in response to that motion.
- 10.10 Time Limited**
- 10.10.1 No Member, without leave of Council, GPA or a Special Committee, as the case may be, shall speak to the same question or in reply for longer than five (5) minutes.

10.11 Questions

10.11.1 A Member may ask a question for the purpose of obtaining information relating only to the matter under discussion and such questions must be stated concisely and asked only through the Chair.

10.11.2 Notwithstanding subsection 10.11.1, when a Member has been recognized as the next speaker, then immediately before speaking, such Member may ask a question through the Chair to any Member, the Chief Administrative Officer, or Department Head, or designate, concerning any matter connected with the business of the Municipality but only for the purpose of obtaining information, following which the Member may speak.

10.12 Motions

Reading

10.12.1 All motions must be introduced by a mover and seconder before the Chair, may put the question or motion on the floor for consideration. If no Member seconds the motion, the motion shall not be on the floor for consideration and therefore it shall not be recorded in the minutes. In a Meeting of Council, unless otherwise provided for in this Procedural By-law, all motions must be in writing and signed by the mover and the seconder.

10.12.2 When a motion is presented in a Meeting, it shall be read by the Member, or, if it is a motion which may be presented orally as provided in subsection 10.12.8, it shall be stated by the Chair before debate.

10.12.3 Notwithstanding subsection 10.12.2, a motion, the wording of which is printed in the agenda as either a separate item or as part of a report, need not be read in its entirety unless requested to do so by a Member, but shall be deemed to have been read for the purposes of introducing the motion.

Withdrawn

10.12.4 After a motion is properly moved and seconded, it shall be deemed to be in possession of Council, GPA or Special Committee, but may be withdrawn by the mover at any time before decision or amendment.

No debate until properly moved and seconded

10.12.5 No Member shall speak to any motion until it is properly moved and seconded, and the mover is entitled to speak first if the Member so elects. If debated, the question or motion may be read before being put.

Motion Ruled Out of Order

10.12.6 Whenever the Chair is of the opinion that a motion is contrary to these Rules of Procedure, the Chair shall rule the motion out of order.

Not within jurisdiction of Council

10.12.7 A motion in respect of a matter which requires the exercise of a legislative power by Council which is not within its jurisdiction, shall not be in order at a Meeting of Council, GPA or a Special Committee.

Motions Without Notice and Without Leave

10.12.8 The following matters and motions may be introduced orally by a Member without notice and without leave, except as otherwise provided by this Procedural By-law, and shall be decided without debate:

- a) A point of order or Privilege;
- b) To adjourn;
- c) To suspend the Rules of Procedure;

- d) To table the question without direction or instructions;
- e) To lift from the table;
- f) To divide;
- g) To refer (without instructions);
- h) Question be now put; and
- i) To recess.

10.12.9 The following motions may be introduced orally by a Member without notice and without leave, except as otherwise provided by this Procedural By-law, and may be debated:

- a) To refer with direction or instructions (direction for referral only to be debatable);
- b) To table with instructions (instructions for tabling only to be debatable);
- c) To amend, and
- d) To rescind.

Motion in Writing

10.12.10 Except as provided by subsections 10.12.8 and 10.12.9, all motions introduced at a Council Meeting shall be in writing and signed by the mover and seconder.

Priority of Disposition

10.12.11 A motion properly before Council, GPA or a Special Committee for decision must be disposed of before any other motion can be received except a motion in respect of matters listed in subsection 10.12.8 or 10.12.9.

Motion to Refer

10.12.12 A motion to refer a matter under discussion by Council, GPA or a Special Committee shall be considered before all amendments to the main question until the motion to refer is decided.

Motion to Amend

10.12.13 A motion to amend:

- a) Shall be presented in writing if requested by the Chair;
- b) Shall relate to the subject matter of the main motion;
- c) Shall not be received proposing a direct negative to the question; and
- d) Shall be put to a vote in reverse order to the order in which the amendments are made.

10.12.14 Only one motion to amend an amendment to the original motion shall be allowed and any further amendment must be to the original motion.

Question Be Now Put

10.12.15 A motion that the question be now put:

- a) Is not debatable;
- b) Cannot be amended;
- c) Cannot be proposed when there is an amending motion under consideration, except for the purpose of moving that the amending motion be put;

- d) When resolved in the affirmative, requires that the question(s), motion, amending motion or motion as amended, whichever is under consideration be put forward immediately without debate or amendment;
- e) Can only be moved in the following words, "that the question be now put"; and
- f) A motion "that the question be now put" requires an affirmative vote of two-thirds of the Members present and voting.

Motion to Refer or Defer/Postpone

- 10.12.16 A Motion to refer or to refer back or to defer or postpone the question may include instructions respecting the terms upon which the question is to be referred or deferred or postponed.
- 10.12.17 A motion to refer or to refer back or to defer or postpone the question shall not be debatable except where instructions are included, in which case, only the instructions shall be debatable.
- 10.12.18 A motion to refer or to refer back or to defer or postpone the question may not be amended except where instructions are included, in which case, only the instructions may be amended in accordance with the provisions in subsection 10.12.13.

Motion to Table

- 10.12.19 A motion simply to table is not debatable except where instructions are included, in which case, only the instructions shall be debatable. Such motion cannot be amended.
- 10.12.20 A motion to table with some condition, opinion, or qualification added to the motion to table shall be deemed to be a motion to defer or postpone made under subsections 10.12.16 to 10.12.18, inclusive.
- 10.12.21 The matter tabled shall not be considered again by the Council, GPA or Special Committee until a motion has been made to lift from the table the tabled matter at the same or a subsequent Meeting.
- 10.12.22 A matter tabled at a Meeting of the GPA or Special Committee may be lifted from the table by Council.
- 10.12.23 A matter tabled at Council may not be lifted from the table at a meeting of GPA or Special Committee.
- 10.12.24 A motion to lift a tabled matter from the table is not subject to debate or amendment.
- 10.12.25 A motion that has been tabled at a previous Meeting cannot be lifted off the table unless notice thereof is given in accordance with subsection 7.12;

Motion to Divide

- 10.12.26 A motion containing distinct proposals may be divided and a separate vote shall be taken upon each proposal contained in a motion if decided upon by a majority vote of the Members present and voting.

Motion to Rescind

- 10.12.27 A motion to rescind a previous action of Council requires a majority vote of the Members present provided that notice has been given at the previous Meeting or in the agenda for the Meeting, and in case the aforesaid Notice has not been given, the motion to rescind requires a two-thirds (2/3) vote of the Members present and voting.

- 10.12.28 A motion to rescind is not in order when action has been taken on the order of Council which it is impossible to revise. The part of an order of Council which has not been acted upon, however, may be rescinded.

Reconsideration

- 10.12.29 A resolution, by-law or any question or matter (except one of indefinite postponement) which has been adopted previously by Council may be reconsidered by Council subject to the following:
- a) A Notice of Motion given in writing by a Member, has been introduced according to the procedure for Notice of Motion, provided for in subsection 7.12;
 - b) Debate on a motion to reconsider must be confined to reasons for or against the subject of the reconsideration;
 - c) Such motion must be supported by two-thirds (2/3) of the Members present and voting in favour of such reconsideration before the matter is re-opened for debate;
 - d) If a motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, unless the motion calls for a future date, and debate on the question to be reconsidered may proceed as though it previously had never been voted on; and
 - e) A vote to reconsider a particular matter or decision will not be considered more than once during the term of Council.

Motion to Recess

- 10.12.31 A motion to recess shall provide for Council, GPA, or Special Committee to take a short intermission within a Meeting which shall neither end the Meeting nor destroy its continuity and after which, proceedings shall immediately resume at the point where they were interrupted.
- 10.12.32 A motion to recess is not debatable, but is amendable as to the length of the recess and is not in order when another motion is on the floor.

Motion to Adjourn

- 10.12.33 A motion to adjourn:
- a) Shall always be in order except as provided by this Procedural By-law;
 - b) Is not in order when a Member is speaking or during the verification of a vote;
 - c) When resolved in the negative, cannot be made again until after some intermediate proceedings shall have been completed by Council, GPA or Special Committee, as the case may be;
 - d) Is not in order immediately following the affirmative resolution of a motion that the question be now put;
 - e) If carried, without qualification, will bring a Meeting or session of the Council, GPA or Special Committee to an end;
 - f) To a specific time, or to reconvene upon the happening of a specified event, if carried, suspends the Meeting to continue at such time; and
 - g) Is not debatable.

- 10.12.34 A motion to proceed beyond the hour of 11:00 pm:
- a) Shall not be amended or debated; and
 - b) Shall always be in order except when a Member is speaking or the Members are voting.
 - c) Shall require the support of two-thirds (2/3) of the Members present and voting.

10.13 Voting on Motions

- 10.13.1 Immediately preceding the taking of the vote on a motion, the Chair may state the question in the form introduced and shall do so if required by a Member.
- 10.13.2 After a question is finally put by the Chair no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- 10.13.3 Every Member present at a Meeting, when a question is put, shall vote thereon unless disqualified under the Municipal Conflict of Interest Act to vote on the question.
- 10.13.4 Except where the Member is disqualified under the Municipal Conflict of Interest Act from voting, if a Member does not vote when a question is put, he or she shall be deemed to have voted in the negative.
- 10.13.5 A Member not in his or her seat when the question is called by the Chair is not entitled to vote on that question.
- 10.13.6 Each Member has only one vote.
- 10.13.7 The Chair shall announce the result of every vote.

Unrecorded Vote

- 10.13.8 The manner of determining the decision of the Council, GPA or a Special Committee on a motion shall be at the discretion of the Chair and may be by voice, show of hands, standing, or otherwise.

Recorded Vote

- 10.13.9 Notwithstanding subsection 10.13.8, a Recorded Vote shall not be in order at GPA or Special Committee meetings.
- 10.13.10 When a Recorded Vote is requested by a Member during a Council Meeting, or is otherwise required, the Municipal Clerk shall record the name and vote of every Member, alphabetically until all Members have voted. The Chair shall vote last.

10.14 Conduct of the Audience

- 10.14.1 Members of the public who constitute the audience in the Council Chamber or adjacent to the Meeting room, or other such place where the Meeting is held in accordance with subsection 4.1 of this Procedural By-law, during a Meeting, shall maintain order and quiet and may not:
- a) Address Council, GPA or Special Committee without permission;
 - b) Interrupt any speaker or action of the Members or any other person addressing Council, GPA or Special Committee;
 - c) Speak out;

- d) Clap;
- e) Behave in a disorderly manner; or
- f) Make any other noise or sound that proves disruptive to the conduct of the meeting.

11. Implementation

11.1 By-laws 95-55, 2000-203, 2002-114, 2003-176, 2005-225, and 2006-214 are hereby repealed.

11.2 This Procedural By-law shall come into full force and effect January 1, 2008.

By-law read a first and second time this XXth day of December, 2007.

By-law read a third time and finally passed this XXth day of December, 2007.

Jim Abernethy, Mayor

Patti L. Barrie, Municipal Clerk