

Clarington

Municipality of Clarington

**Procedural By-law
2015-029**

As of July 7, 2020

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

Table of Contents

Consolidation: July 7, 2020..... 1

Section 1 – Definitions and Interpretation 3

Section 2 – General Provisions 6

2.1 Applicability 6

2.2 Suspension of Rules of Procedure..... 6

2.3 Issue not Addressed 6

2.4 Electronic Participation – During a Declared Emergency..... 6

2.5 Electronic Participation — During Routine Period 7

Section 3 – Duties of the Mayor and Council..... 8

3.1 Duties of the Mayor 8

3.2 Appointment of Deputy Mayor..... 9

3.3 Participation of Chair in Debate..... 9

3.4 Duties of a Member of Council 10

Section 4 – Meetings 10

4.1 Regular Meetings 10

4.2 Special Meetings..... 10

4.3 First Meeting of Council..... 11

4.4 Seating and Persons within Council Ring..... 11

4.5 Quorum 12

4.6 Meetings Open to Public 12

4.7 Closed Meetings 12

4.8 Notice of Meeting 13

Regular Meetings 13

Special Meetings..... 14

Emergency Special Meetings..... 14

4.9 Length of Meetings / Scheduled Break 14

4.10 Portable Electronic Devices 15

4.11 Video Recording of Council and Committee Meetings 15

Section 5 – Committees 15

5.1 General 15

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

	Exceptions.....	16
5.2	General Government Committee (GG)	16
5.3	Planning and Development Committee (PD).....	17
5.4	Appointments to Municipal Service Boards, Local Boards, Advisory Committees and Corporations.....	17
<u>Section 6 – Agendas and Minutes</u>		<u>17</u>
6.1	Council Agenda.....	17
6.2	GG Committee Agenda.....	18
6.3	Planning and Development Committee (PD) Agenda	19
6.4	Special Committee Agendas	20
6.5	Meeting Minutes.....	20
<u>Section 7 – Order of Proceedings - Council</u>		<u>21</u>
7.1	Call to Order.....	21
7.2	Disclosure of Pecuniary Interest.....	22
7.3	Announcements	22
7.4	Presentations	23
7.5	Delegations	24
7.6	Communications	24
7.7	Committee Reports	24
7.8	Staff Reports	25
7.9	Business Arising from Procedural Notice(s) of Motion	25
7.10	Unfinished Business.....	25
7.11	Confidential Reports.....	25
7.12	By-laws.....	25
7.13	Procedural Notice(s) of Motion.....	26
7.14	Other Business.....	26
<u>Section 8 – Order of Proceedings – Standing Committees</u>		<u>27</u>
8.1	General Government Committee (GG)	27
8.1.1	Call to Order.....	27
8.1.2	New Business -- Introduction	27
8.1.3	Adopt the Agenda	27
8.1.4	Disclosure of Pecuniary Interest.....	27
8.1.5	Announcements	27
8.1.6	Adoption of Minutes of Previous Meeting(s).....	27

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

8.1.7	Delegations	28
8.1.8	Communications	28
8.1.9	Presentations	28
8.1.10	Staff Reports	28
8.1.11	New Business -- Consideration	28
8.1.12	Unfinished Business.....	29
8.1.13	Confidential Reports.....	29
8.2	Planning & Development Committee (PD)	29
8.2.1	Call to Order.....	29
8.2.2	New Business -- Introduction	29
8.2.3	Adopt the Agenda	29
8.2.4	Disclosure of Pecuniary Interest.....	30
8.2.5	Announcements	30
8.2.6	Adoption of Minutes of Previous Meeting(s).....	30
8.2.7	Public Meetings.....	30
8.2.8	Delegations	30
8.2.9	Communications	31
8.2.10	Presentations	31
8.2.11	Staff Reports	31
8.2.12	New Business -- Consideration	31
8.2.13	Unfinished Business.....	32
8.2.14	Confidential Reports.....	32
<u>Section 9 – Delegations.....</u>		32
9.1	General	32
9.2	To Council	33
	Request to Speak – Required	33
	Time Limits.....	33
9.3	To Committee.....	33
	Time Limits.....	34
	Request to Speak – Required	34
	Disposition of Delegation.....	34
9.4	At a Public Meeting	34
	Time Limits.....	34
	Request to Speak – No Request Required	34

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

9.5	Special Meetings.....	34
9.6	Conduct of Delegations and Presenters.....	35
Section 10 – Rules of Debate and Conduct		35
10.1	Conduct of Members of Council or Members of Committees.....	35
10.2	Address the Chair	36
10.3	Order of Speaking	36
10.4	Point of Privilege	36
10.5	Point of Order.....	36
10.6	Appeal of Ruling of Chair	36
10.7	Members Speaking	37
10.8	Question Read	37
10.9	Speak Once - Reply	37
10.10	Time Limit.....	37
10.11	Questions	37
10.12	Motions.....	38
	Reading.....	38
	Withdrawn	38
	No debate until properly moved and seconded.....	38
	Motion Ruled Out of Order	38
	Not within jurisdiction of Council.....	38
	Matters and Motions Without Notice and Without Leave.....	39
	Motion in Writing	39
	Priority of Disposition	39
	Motion to Refer or Commit	39
	Motion to Amend	40
	Motion to Amend Something Previously Adopted	40
	Question Be Now Put.....	40
	Motion to Table	40
	Motion to Divide	41
	Motion to Rescind	41
	Reconsideration	41
	Motion to Recess	42
	Motion to Adjourn.....	42
10.13	Voting on Motions	43

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

Unrecorded Vote 43
Recorded Vote 43
10.14 Conduct of the Audience 44
11. Implementation..... 44



The Corporation of the
Municipality of Clarington
By-Law 2015-029

Being a by-law to govern the proceedings of the Council of the Municipality of Clarington, its General Government Committee, its Planning and Development Committee, and Special Committees, and to repeal By-laws 2011-016, as amended, 92-20 and 2005-021.

Passed, by Council, on: June 1, 2015

Consolidation: July 7, 2020

Amending By-Law	Date	Amendment Details
2016-075	September 19, 2016	Replace Section 4.10 (electronic devices)
2016-082	October 11, 2016	Replace Section 10.13.10 and amend Section 10.13.11 (recorded votes at Committee)
2018-002	January 15, 2018	Definitions - Amend definition of meeting
2018-012	February 5, 2018	Amended to add the following sections 7.2.3, 7.2.4 & 7.2.5 under the "Disclosure of Pecuniary Interest" Section
2018-073	September 17, 2018	Add Section 10.12.28.1, regarding a written decision of the Local Planning Appeal Tribunal (LPAT)
2019-011	February 25, 2019	Add Section 7.2.1.1, regulating behavior of Member when discussing suspension of remuneration of same Member
2019-057	October 28, 2019	Add wording related to the addition of a Land Acknowledgement Statement at the beginning of meetings.
2020-022	March 23, 2020	Add Section 2.4 (Electronic Participation during declared emergency)
2020-046	July 7, 2020	Add subsection 2.5 (Electronic Participation – During Routine Period); update wording of subsection 7.13.1; delete words from subsections 10.12.1 and 10.12.11

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

Disclaimer:

The following consolidated by-law is an electronic reproduction made available for information only. It is not an official version of the By-law. The format may be different, and plans, pictures, other graphics or text may be missing or altered. The Municipality of Clarington does not warrant the accuracy of this electronic version.

Official versions of all By-laws may be obtained from the Municipal Clerk's Department.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029
The Corporation of the Municipality of Clarington
By-law 2015-029

Being a by-law to govern the proceedings of the Council of the Municipality of Clarington, its General Government Committee, its Planning and Development Committee, and Special Committees, and to repeal By-laws 2011-016, as amended, 92-20 and 2005-021.

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 Chair 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 GG Committee, Chair means the Mayor, Deputy Mayor or Department Liaison, whoever presides over a portion of a Meeting of the GG Committee as provided for in Sub-section 5.2.1, of this Procedural By-law.

In the case of the PD Committee, Chair means the Planning Services Department Liaison, as provided for in Sub-section 5.3.1 of this Procedural By-law.

In the case of a Special Committee, Chair means the Member appointed as such by Council pursuant to Sub-section 5.1.3 of this Procedural By-law.

In the case of a sub-committee of a Special Committee, Chair means the Member appointed as such by the Special Committee pursuant to Sub-section 5.1.3 of this Procedural By-law.

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

Council means the Council of the Municipality of Clarington.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

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 or Committee, as the case may be.

Department Liaison means a Member appointed as such pursuant to Sub-section 5.1.1 b) of this Procedural By-law.

Deputy Mayor means the Member of Council who is appointed to this position 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.

GG means the General Government Committee of Council.

Holiday means a holiday as defined by the *Legislation Act, S.O. 2006, Chapter 21, Schedule F*.

Mayor means the Head of Council.

Meeting means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where (a) a quorum of members is present, and (b) members discuss or otherwise deal with any matter in a way that materially advances the business of a decision-making of the council, local board or committee.

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.50*, 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.

PD means the Planning and Development Committee of Council.

Pecuniary Interest has the same meaning as the term has in the *Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50*, as amended or replaced from time to time.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

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 challenged.

Presiding Member means the Member appointed to act as Chair pursuant to Sub-sections 7.1.3, 8.1.1, and 8.2.1 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 divide;
- i) Question be now put; or
- j) To suspend the Rules of Procedure.

Procedural Notice of Motion means a written notice, including the names and signatures of the mover and seconder, advising Council that the motion described therein to amend something previously adopted by Council, to rescind a previous decision of Council, to lift a matter from the table, or to reconsider a previous decision of Council, will be brought forward at a subsequent meeting.

Public Meeting means a public meeting in accordance with the *Planning Act, R.S.O. 1990 c. P.13* 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 Sub-section 5.1.3 of this Procedural By-law.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

Standing Committee means either the General Government Committee (GG) or the Planning and Development Committee (PD) 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.

Section 2 – General Provisions

2.1 Applicability

2.1.1 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 or Committees and shall be the rules and requirements which govern the order of their business.

2.2 Suspension of Rules of Procedure

2.2.1 Despite Sub-section 2.1.1, the rules and requirements contained in this Procedural By-law may be suspended by a vote of three-quarters (3/4) of the Members present and voting.

2.3 Issue not Addressed

2.3.1 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 or Committee, in session, as the case may be.

2.4 Electronic Participation – During a Declared Emergency

2.4.1 "Electronic Participation" means that a Member may attend the Council or Committee meeting, off-site, under emergency circumstances, by electronic means. The electronic means must enable the Member to hear and to be heard by the other meeting participants. Acceptable formats may include teleconference, videoconference or webinar, or other interactive communications.

2.4.2 Where a member is participating electronically, they shall be considered as "present".

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

- 2.4.2 During any period where an emergency has been declared to exist, in all or part of the municipality, under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, a member of a council, of a local board or of a committee of either of them is permitted to participate electronically in a meeting and may be counted in determining whether or not a quorum of members is present at any point in time.
- 2.4.3 For clarity, a Member of Council, of a local board, or of a committee of either of them, can participate electronically in a meeting that is closed to the public.
- 2.4.4 During any period where an emergency has been declared to exist, in all or part of the Municipality, under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, the Municipal Clerk is permitted to participate electronically in a meeting.
- 2.4.4 The protocol for participating electronically during an emergency, shall be set out by the Municipal Clerk and may be amended from time to time.
- 2.4.5 If a Member persists in any such disobedience after having been called to order by the Chair, the Chair shall forthwith order him to vacate the meeting, or end the electronic participation.

2.5 Electronic Participation — During Routine Period

- 2.5.1 "Electronic Participation" means that a Member may participate the Council or Committee meeting, remoting by electronic means. The electronic means must enable the Member to hear and to be heard by the other meeting participants. Acceptable formats may include teleconference, videoconference or webinar, or other interactive communications.
- 2.5.2 "Present" means that a Member may attend a meeting either in person or by electronic participation. However, references to being " present" for quorum, or in closed meetings, do not include Members who are attending electronically.
- 2.5.3 Any Member shall be permitted to participate in a meeting via electronic participation to a maximum of three members in any given meeting.
- 2.5.4 Opportunities to participate electronically shall be permitted on a first come first serve basis, as managed through the Municipal Clerk.
- 2.5.5 Notwithstanding Subsection 4. 5, a Member who participates in a meeting through electronic means is deemed to be present at the meeting, and in accordance with the Municipal Act, 2001, as amended, they shall not be counted in determining whether or not a quorum of members is present at any point in time."

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

- 2.5.6 The Member shall have the same rights and responsibilities as if they were in physical attendance, including the right to vote, unless otherwise prohibited by law or in other subsections of this by-law.
- 2.5.7 The protocol for participating electronically during routine periods shall be set out by the Municipal Clerk and may be amended from time to time.
- 2.5.8 If a Member persists in any such disobedience after having been called to order by the Chair, the Chair shall forthwith order the Member to vacate the meeting or end the electronic participation.
- 2.5.9 Notwithstanding Subsection 4.7, Members attending the meeting through electronic participation, in accordance with the Municipal Act, 2001, as amended, shall not attend the closed session portion of the meeting.
- 2.5.10 Notwithstanding subsections 4.10.1 and 4.10.2, the use of portable electronic devices may be used by a Member as an interface for a Member to participate electronically in the meeting.

Section 3 – Duties of the Mayor and 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 and GG Committee 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;

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

- 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; and
- n) To adjourn the Meeting when the business is concluded, or if considered necessary 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 practical, 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 appointment referenced in Sub-section 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 appointment.

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, or a 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 Sub-section 3.3.1, or otherwise, the Mayor shall call on the Deputy Mayor to preside until the Mayor resumes the chair.

The Corporation of the Municipality of Clarington

(Consolidated) Procedural By-law 2015-029

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 Sub-section 3.3.1, or otherwise, the Chair shall call on the Mayor to preside until the Chair resumes the chair. If the Mayor is chairing the Committee meeting, the Deputy Mayor shall be called upon to preside until the Mayor 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 or Committees 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 GG Committee or PD Committee Meeting for which he is the Department Liaison and assume the duties of the Mayor as detailed in Sub-section 3.1.1 with the exception of Sub-sections 3.1.1 a), l) and n) at GG Committee and 3.1.1 a) and l) at PD Committee;
- d) Notwithstanding Section 3.4.1 c), the Chair of the PD Committee meeting shall assume the duties of the Mayor as detailed in Section 3.1.1, with the exception of 3.1.1 (l); and
- e) 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, GG Committee and PD Committee 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, GG Committee or PD Committee 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, and preference be given that said meeting shall only be held within the Municipality of Clarington.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

- 4.2.2 The Mayor may, at any time, summon a special Meeting of Council, GG Committee or PD Committee and shall summon a special Meeting of Council or Committee when requested to do so in writing by a majority of Members, at the time mentioned in the request, and preference be given that said meeting shall only be held within the Municipality of Clarington.
- 4.2.3 The Municipal Clerk shall summon a special Meeting of Council, GG Committee or PD Committee when requested to do so in writing by a majority of the Members, at the time mentioned in the request, and preference be given that said meeting shall only be held within the Municipality of Clarington.
- 4.2.4 Notwithstanding Sub-section 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 (2/3) 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 Municipal staff shall be permitted to enter the Council floor during the sitting of Council or Committee without the permission of the Mayor or Committee Chair.
- 4.4.3 No person, other than a Member of Council or the Municipal 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.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

4.5 Quorum

- 4.5.1 A quorum of Council or Committee shall be four (4) Members, except as otherwise stated. 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.
- 4.5.3 If during the course of a meeting, a quorum is lost, the Chair shall declare that the meeting shall stand recessed temporarily or be adjourned until the date of the next regular meeting or other meeting called in accordance with the provisions of this By-law.

4.6 Meetings Open to Public

- 4.6.1 Subject to Sub-section 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 or Committee may, by resolution, close a Meeting or part of a Meeting to members of the public in accordance with Sub-section 239(2) of the *Municipal Act, 2001*.
- 4.7.2 Council or 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 or 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 or 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.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

- 4.7.5 Where a Meeting or part of a Meeting is closed to the public, Council or Committee shall:
- a) retire to the Council Ante Room or other such room as deemed appropriate by Council or 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 Sub-section 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.
- 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 practical to do so.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

- 4.8.4 The meeting schedule referred in Sub-section 4.8.1 shall generally be based on a three week rotation. In the event that the regular meeting date falls on a public holiday, the Council or Committee meeting, whichever the case may be, shall meet at the same hour on the next day not being a public holiday. One meeting shall be scheduled on the first Monday of July (unless it is a public holiday in which case it shall be held at the same hour on the next day not being a public holiday) and no regular meetings shall be held during the month of August or between Christmas and New Year's. PD Committee meetings shall be held at 7:00 PM and GG Committee meetings shall be held at 9:30 AM.

Special Meetings

- 4.8.5 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.
- 4.8.6 In addition to the notice provided for in Sub-section 4.8.5, written notice of a special Meeting of Council or Committee shall be given to all Members.
- 4.8.7 The written notice referred to in Sub-section 4.8.6 above shall indicate the nature of the business to be considered at the special Meeting of Council or Committee, whether or not delegations will be heard, and the date, time and place of the Meeting.

Emergency Special Meetings

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

4.9 Length of Meetings / Scheduled Break

- 4.9.1 Meetings scheduled to commence at or before 9:30 AM, and which are in session at 4:31 PM, will be adjourned unless otherwise determined by a vote of two-thirds of the Members present.
- 4.9.2 Meetings which are scheduled to commence at or after 7:00 PM, and which are in session at 11:01 PM, will be adjourned unless otherwise determined by a vote of two-thirds of the Members present.
- 4.9.3 Where a meeting is scheduled to commence at or before 9:30 AM, there shall be a scheduled 1 hour break at 12:00 noon unless otherwise determined by a vote of two-thirds of the Members present.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

4.10 Portable Electronic Devices

- 4.10.1 The use of portable electronic devices by Members of Council and Committee during Council and Committee meetings shall be permitted provided the Member is not using the portable electronic device to phone; or email, BBM, or text each other while the meeting is in session.
- 4.10.2 The use of portable electronic devices, such as cellular phones, blackberrys, audible pagers or other similar communication device may only be permitted to be used by persons in the gallery and staff while the meeting is in session.
- 4.10.3 Despite Subsections 4.10.1 and 4.10.2, the use of any portable electronic device may be prohibited by the Chair, if, in the Chair's opinion, the device is interfering with any video or audio broadcast of the meeting or is otherwise causing a disturbance.
- 4.10.4 Subsections 4.10.1 and 4.10.2 do not apply during a Meeting recess.

4.11 Video Recording of Council and Committee Meetings

- 4.11.1 With the exception of the Municipality and any publicly available broadcaster, the video recording of a Council or Committee meeting is prohibited within 3 metres of the Council ring.
- 4.11.2 Notwithstanding Sub-section 4.11.1, video recording by any person is not prohibited for a presentation as defined in Sub-section 7.4.1 (a) of this by-law.

Section 5 – Committees

5.1 General

- 5.1.1 There shall be two Standing Committees of Council, namely the General Government (GG) Committee of Council and the Planning and Development (PD) Committee of Council, which shall be organized as follows:
- a) GG and PD Committees shall be comprised of all Members of Council.
 - b) Each Member shall be appointed as a Department Liaison as soon as is practical after the first Meeting of Council or a vacancy occurs for which he has been appointed Department Liaison. The Department Liaison shall take the chair during that portion of the GG Committee or PD Committee meeting dealing with the matters pertaining to the Department for which he has been appointed Department Liaison.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

Exceptions

- 5.1.2 Notwithstanding the Committee mandate outlined in Sub-section 5.2.2 and Sub-section 5.3.2 and the provisions of Sub-section 9.4.1, Council may consider any matter without referring it to GG Committee or PD Committee and may withdraw a matter from the GG Committee or the PD Committee at any time.
- 5.1.3 Notwithstanding the Committee mandate outlined in Sub-section 5.2.2, and Sub-section 5.3.2 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 a Chair of the sub-committee to assist the Special Committee in performing its mandate.

5.2 General Government Committee (GG)

- 5.2.1 The Mayor 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 Liaison. As well, the Mayor shall chair those portions of the meeting dealing with matters raised under New Business or continued to be considered under Unfinished Business of the agenda, and the motion to adjourn.

GG Committee Mandate

- 5.2.2 The GG Committee shall make recommendations to Council on all matters not mandated by the PD Committee, including, without limitation, levels of service and operational policy and budgetary matters. The GG Committee shall consider all reports submitted to it by the Chief Administrative Officer or Director of a Department, except for items which fall under the mandate of the PD Committee, as indicated in Sub-section 5.3.2.

Reporting to Council

- 5.2.3 In all cases in which the GG Committee makes recommendations respecting such matters, the GG Committee shall forward such recommendations by way of committee report to Council for consideration at the next regular Meeting of Council. In addition, the GG Committee 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.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

5.3 Planning and Development Committee (PD)

5.3.1 The Chair of the PD Committee shall be the Planning Services Department Liaison for matters pertaining to Planning. Where a matter from a department other than Planning is being considered, the corresponding Department Liaison shall Chair that portion of the Agenda. The Mayor shall chair the PD Committee in the absence of the appropriate chair.

PD Committee Mandate

5.3.2 The PD Committee shall be mandated with holding public meetings, and any other planning and development matter or matter deemed to require public consultation and such other matters as may be referred to the PD Committee by Council. The PD Committee shall consider all reports submitted to it by the Chief Administrative Officer or Director of a Department, for items which fall under the mandate of the PD Committee.

Reporting to Committee

5.3.3 In all cases in which the PD Committee makes recommendations respecting such matters, the PD Committee shall forward such recommendations by way of Committee report to Council for consideration at the next regular Meeting of Council. In addition, the PD Committee 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.

5.4 Appointments to Municipal Service Boards, Local Boards, Advisory Committees and Corporations

5.4.1 The appointments of persons to Municipal Service Boards, Local Boards, Advisory Committees and to the board of directors of Veridian Corporation shall be considered first by the GG Committee and ratified by Council as soon as practical following the first Meeting of Council, or as soon as practical after a vacancy occurs as per the Council adopted Policy.

Section 6 – Agendas and Minutes

6.1 Council Agenda

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

Meeting Called to Order
Moment of Reflection
Land Acknowledgement Statement
Disclosure of Pecuniary Interest
Announcements

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

Adoption of Minutes of previous meeting(s)
Presentations
Delegations
Communications
Committee Report(s)
Staff Report(s)
Business Arising from Procedural Notice of Motion (to be included on
agenda only if there is business to be considered under this Section)
Unfinished Business
By-laws
Procedural Notices of Motion (for consideration at subsequent Meeting)
Other Business
Confirming By-law
Adjournment

6.1.2 The agenda shall be provided to each member no later than 12:00 noon the Friday preceding the commencement of the regular Council Meeting in question.

6.1.3 At the discretion of the Municipal Clerk, an agenda item received after noon on Wednesday and before the commencement of the meeting, which is of an urgent nature or directly relevant to a matter on the agenda for the meeting, may be added to the agenda. Such matter shall be communicated to the members of Council and posted on the Municipal website as soon as possible.

6.1.4 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 GG Committee Agenda

6.2.1 The Municipal Clerk shall cause to be prepared an agenda under the following headings for the use of the Members at the regular meetings of the GG Committee:

Call to Order
Land Acknowledgement Statement
New Business -- Introduction
Adopt the Agenda
Disclosure of Pecuniary Interest
Announcements
Adoption of Minutes of previous meeting(s)
Delegations
Communications
Presentations
Staff Reports
New Business -- Consideration

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

Unfinished Business
Confidential Reports
Adjournment

6.2.2 The Municipal Clerk shall ensure that the GG Committee agenda is provided to each member no later than 12:00 noon the Friday preceding the commencement of the regular GG Committee Meeting.

6.2.3 At the discretion of the Municipal Clerk, an agenda item, including a new business item to be introduced, received after noon on Wednesday and before the commencement of the meeting, which is of an urgent nature or directly relevant to a matter on the agenda for the meeting, may be added to the agenda. Such matter shall be communicated to the members of Council and posted on the Municipal website as soon as possible.

6.2.4 The business of GG 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 Planning and Development Committee (PD) Agenda

6.3.1 The Municipal Clerk shall cause to be prepared an agenda under the following headings for the use of the Members at the regular meetings of PD Committee:

Call to Order
Land Acknowledgement Statement
New Business -- Introduction
Adopt the Agenda
Disclosure of Pecuniary Interest
Announcements
Adoption of Minutes of previous meeting(s)
Public Meetings
Delegations
Communications
Presentations
Staff Reports
New Business -- Consideration
Unfinished Business
Confidential Reports
Adjournment

6.3.2 The Municipal Clerk shall ensure that the PD Committee agenda is provided to each member no later than 12:00 noon the Friday preceding the commencement of the regular PD Committee Meeting.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

6.3.3 At the discretion of the Municipal Clerk, an agenda item, including a new business item to be introduced, received after noon on Wednesday and before the commencement of the meeting, which is of an urgent nature or directly relevant to a matter on the agenda for the meeting, may be added to the agenda. Such matter shall be communicated to the members of Council and posted on the Municipal website as soon as possible.

6.3.4 The business of PD 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.

6.4 Special Committee Agendas

6.4.1 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:

Call to Order
Land Acknowledgement Statement
Disclosure of Pecuniary Interest
Adoption of Minutes of previous meeting(s)
Matters of Business
Adjournment

6.4.2 The Municipal Clerk shall ensure that the Special Committee agenda is provided to each member no later than 24 hours preceding the commencement of the Special Committee Meeting.

6.4.3 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.

6.5 Meeting Minutes

6.5.1 The Municipal Clerk, or designate, shall cause minutes to be taken of each Meeting of Council or 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 Chair or Chairs 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; and

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

- e) all resolutions, decisions and all other proceedings of Council or Committee, as the case may be, without note or comment.
- 6.5.2 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.
- 6.5.3 Following approval of the minutes, the minutes shall be signed by the Mayor and the Municipal Clerk or designate.
- 6.5.4 The Municipal Clerk, or designate, shall ensure that the minutes of the last regular and/or special Meetings of Council or Committee held more than five (5) days prior to a regular Meeting are included in the agenda prepared in accordance with Sub-sections 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.
- 7.1.4 In recognition of a necessary first step towards honouring the original occupants of a place, and as a way to recognize the traditional First Nations, Metis and / or Inuit territories of a place, and to commemorate Indigenous peoples' principal kinship to the land, the following Land Acknowledgement Statement shall be read following the Call to Order:

"The Municipality of Clarington is situated within the traditional and treaty territory of the Mississaugas and Chippewas of the Anishinabeg, known today as the Williams Treaties First Nations. Our work on these lands acknowledges their resilience and their longstanding contributions to the area now known as the Municipality of Clarington."

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

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. Should a Member declare a pecuniary interest, he shall vacate the room in which the meeting is taking place.

7.2.1.1 Notwithstanding Sub-section 7.2.1, if the matter under consideration at a meeting, or a part of a meeting, is to consider whether to suspend the remuneration paid to the member under subsection 223.4 (5) or (6) of the *Municipal Act, 2001*, the member may take part in the discussion of the matter, including making submissions to council or the local board, as the case may be, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the meeting. However, the member is not permitted to vote on any question in respect of the matter. Additionally, in the case of a meeting that is not open to the public, the member may attend the meeting or part of the meeting during which the matter is under consideration.

7.2.2 Notwithstanding Sub-section 7.2.1, when a Member declares on a matter(s) at a Council meeting, later in the meeting when the confirming by-law is on the floor, the Member's declaration is understood and the Member may remain in the room in which the meeting is taking place and participate in the vote on the confirming by-law.

7.2.3 At a meeting at which a member declares an interest, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Municipal Clerk or designate, in the form determined by the Municipal Clerk.

7.2.4 The Municipal Clerk shall establish and maintain a Registry of Declarations of Interest containing,

- a) A copy of each statement filed under sections 7.2.3; and
- b) A copy of each declaration recorded in the minutes.

7.2.5 The Municipal Clerk shall provide access to the Registry of Declarations of Interest through the Municipal website or through an alternative means, as requested from time to time.

7.3 Announcements

7.3.1 During this portion of the Meeting, when recognized by the Chair, Members shall be afforded a maximum of 5 minutes during which time they may announce or comment on community events and activities.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

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; or
- c) Presentations from senior levels of government or agencies thereof, or other municipal governments.

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 close of business the Friday preceding the commencement of the Meeting. Presentations will not be installed once the meeting has begun.

To Committee

7.4.3 Presentations scheduled to be made to Committee will be assigned to the appropriate Committee based on the presentation topic and the Committee mandate.

7.4.4 Upon receipt of the request for presentation as detailed in Sub-section 7.4.1, the Municipal Clerk, or designate, may schedule the presentation for a specified time during the Committee meeting. When exercising this option, the Municipal Clerk, or designate, shall include the scheduled presentation time on the meeting Agenda and shall notify the presenter of the scheduled presentation time.

7.4.5 Where the Municipal Clerk, or designate, has scheduled a presentation for a specified time, as per Sub-section 7.4.4, when that specified time arrives during the Committee meeting, the Committee shall set aside the matter currently before it, to allow the presentation to be heard as scheduled. Should there be a motion on the floor at the scheduled presentation time, a motion to "table to be considered immediately after the Presentation" would be in order.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

7.5 Delegations

7.5.1 See Section 9.

7.6 Communications

7.6.1 All communications, designed to be presented to Council, received by the Municipal Clerk before noon on Wednesday prior to the commencement of the Council meeting, which:

- pertain to an item on that agenda, or
- is deemed necessary or appropriate by the Municipal Clerk,

shall be listed under the heading 'Communications' on the agenda and shall be included in its entirety unless it is impractical to do so in which case it shall be included in a manner as determined by the Municipal Clerk. The Municipal Clerk shall ensure that a recommendation for disposal is prepared and included in the agenda.

7.6.2 At the discretion of the Municipal Clerk, an item of correspondence received after the publishing of the agenda and before the commencement of the meeting, which is of an urgent nature or directly relevant to a matter on the agenda for the meeting, may be added to the agenda. Such matter shall be communicated to the Members of Council and posted on the website as soon as possible.

7.6.3 Every communication to be presented to Council or Committee, per Sub-sections 7.6.1 to 7.6.2, 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.

7.6.4 Communications to be posted to the website may be abridged as determined by the Municipal Clerk to facilitate posting.

7.7 Committee Reports

7.7.1 Reports of Committees and Advisory Committees and Boards, shall be listed under this Section of the Council agenda.

7.7.2 Reports of Committees and Advisory Committees and Boards, 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 a Report be separated and voted on separately.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

7.8 Staff Reports

7.8.1 Notwithstanding Sub-sections 8.1.10 and 8.2.11, the Staff Reports Section of the Council agenda shall include Removal of a Holding Symbol report upon urgent circumstances as determined by the Director of Planning Services and 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 Committee for consideration.

7.9 Business Arising from Procedural Notice(s) of Motion

7.9.1 A Procedural Notice of Motion properly given at a previous Council meeting 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 items not otherwise disposed of through the consideration of an agenda matter, shall be disposed of during this portion of the Meeting.

7.11 Confidential Reports

7.11.1 Notwithstanding Sub-sections 8.1.13 and 8.2.14, the Confidential Reports Section of the Council agenda shall include any confidential 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 Committee for consideration and shall be considered in a closed meeting in accordance with Sub-section 4.7.

7.12 By-laws

7.12.1 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*;
- any by-law arising as the result of an order or decision of any judicial or quasi-judicial body; or
- a part lot control by-law;

shall be presented to Council unless the subject matter thereof has been considered by Council or by Committee and has been approved by Council.

The Corporation of the Municipality of Clarington

(Consolidated) Procedural By-law 2015-029

- 7.12.2 All by-laws shall be passed 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 divided from the motion and dealt with separately.
- 7.12.3 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.
- 7.12.4 The Municipal Clerk shall endorse, on all by-laws enacted by Council, the date of enactment.
- 7.12.5 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 retained under the control of the Municipal Clerk.
- 7.12.6 The Municipal Clerk is hereby authorized to make minor deletions, additions or other administrative changes to any by-law before it is signed and sealed, to ensure that the correct and complete implementation of the actions of Council form the subject matter of the by-law. Members of Council shall be advised, by the Municipal Clerk, of such changes by written notice.

7.13 Procedural Notice(s) of Motion

- 7.13.1 A Procedural Notice of Motion introducing a motion to amend something previously adopted by Council, to lift a matter from the table, to rescind a previous decision of Council, or to reconsider a previous decision of Council as described in Sub-sections 10.12.17, 10.12.24, 10.12.26 and 10.12.28, respectively, shall be given to the Municipal Clerk, in writing from the mover and seconder at a meeting of Council, but shall not be debated until the next regular meeting of Council.
- 7.13.2 Where a Procedural Notice of Motion has been given under Sub-section 7.13.1, the Procedural Notice of Motion shall be printed in full in the Agenda, under "Business Arising from Procedural Notice of Motion" for that meeting of Council and each succeeding meeting until the motion is considered or otherwise disposed.
- 7.13.3 When a Member's Procedural 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.

7.14 Other Business

- 7.14.1 No new business may be raised during this section of the agenda, but Members may ask Questions to Department Heads pertaining to any matter, including those not necessarily listed on the agenda.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

- 7.14.2 A motion introducing new matters may only be introduced to Council, upon suspending the rules in accordance with Sub-section 2.2.

Section 8 – Order of Proceedings – Standing Committees

8.1 General Government Committee (GG)

8.1.1 Call to Order

- 8.1.1.1 See Sub-section 7.1.

8.1.2 New Business -- Introduction

- 8.1.2.1 The chair shall provide each member the opportunity to introduce any new business items, not otherwise to be considered under any section of the Agenda, and which is within the mandate of the GG Committee.

- 8.1.2.2 New Business introduced in accordance with Sub-section 8.1.2.1 shall be dispensed by the GG Committee during the New Business -- Consideration section of the Agenda.

8.1.3 Adopt the Agenda

- 8.1.3.1 The chair shall ask for a motion to adopt the agenda. Prior to taking the vote, members shall be provided an opportunity to state any other New Business as per Sub-section 8.1.2.1 which will be dispensed under the New Business – Consideration Section of the Agenda.

- 8.1.3.2 For clarity, the call of the vote on Adopting the Agenda shall serve to provide notice to Council, residents, and staff of “additional/new” matters to be considered during the meeting. It closes the opportunity to add additional unanticipated business matters and shall not serve to vote in support of or in opposition to any matter requested to be added as New Business.

8.1.4 Disclosure of Pecuniary Interest

- 8.1.4.1 See Sub-section 7.2.

8.1.5 Announcements

- 8.1.5.1 See Sub-section 7.3.

8.1.6 Adoption of Minutes of Previous Meeting(s)

- 8.1.6.1 The Chair shall ask for a motion to adopt the minutes from previous meeting(s).

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

8.1.7 Delegations

8.1.7.1 See Section 9.

8.1.8 Communications

8.1.8.1 All communications, designed to be presented to Council, which pertain to the mandate of the GG Committee, received by the Municipal Clerk before noon on Wednesday prior to the commencement of the GG Committee meeting shall be listed under the heading 'Communications' on the agenda, and shall be included in its entirety unless it is impractical to do so in which case it shall be included in a manner as determined by the Municipal Clerk. The Municipal Clerk shall ensure that a recommendation for disposal is prepared and included in the agenda.

8.1.8.2 At the discretion of the Municipal Clerk, an item of correspondence received after the publishing of the agenda and before the commencement of the meeting, which is of an urgent nature or directly relevant to a matter on the agenda for the meeting, may be added to the agenda. Such matter shall be communicated to the Members of Council and posted on the Municipal website as soon as possible.

8.1.8.3 Every communication to be presented to GG Committee, per Sub-sections 8.1.8.1 to 8.1.8.2, 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.

8.1.8.4 Communications to be posted to the municipal website may be abridged as determined by the Municipal Clerk to facilitate posting.

8.1.9 Presentations

8.1.9.1 See Sub-section 7.4.

8.1.10 Staff Reports

8.1.10.1 All Staff reports pertaining to the GG Committee mandate as per Sub-section 5.2.2, or other such matter as may be referred to the GG Committee by Council shall be submitted to the GG Committee for consideration.

8.1.11 New Business -- Consideration

8.1.11.1 Members may only introduce a motion on any new business, provided that the matter was introduced prior to voting on the motion to Adopt the Agenda, in accordance with Sub-section 8.1.2.1.

8.1.11.2 As per Sub-section 10.12.2, all motions introduced in accordance with Sub-section 8.1.2.1 shall be in writing if requested by the Chair.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

8.1.11.3 Notwithstanding Sub-section 8.1.2.1 at the conclusion of dispensing of all business pertaining to each respective department, and prior to considering the next section of the Agenda, Members may ask Questions of Department Heads pertaining to any matter within the mandate of the GG Committee, including those not necessarily listed on the agenda.

8.1.11.4 Notwithstanding Sub-section 8.1.11.1, and despite Sub-section 2.2, new business matters of significance may be introduced by a simple majority of members present and voting.

8.1.12 Unfinished Business

8.1.12.1 See Sub-section 7.10.

8.1.13 Confidential Reports

8.1.13.1 The Confidential Reports Section of the GG Committee Agenda shall include any confidential GG Committee staff report (as outlined in Sub-section 8.1.10.1) that, due to nature of the report should be considered by GG Committee in a closed meeting in accordance with Sub-section 4.7.

8.2 Planning & Development Committee (PD)

8.2.1 Call to Order

8.2.1.1 See Sub-section 7.1.

8.2.2 New Business -- Introduction

8.2.2.1 The chair shall provide each member the opportunity to introduce any new business items, not otherwise to be considered under any section of the Agenda, and which are within the mandate of the PD Committee.

8.2.2.2 New Business introduced in accordance with Sub-section 8.2.2.1 shall be dispensed by the PD Committee during the New Business -- Consideration section of the Agenda.

8.2.3 Adopt the Agenda

8.2.3.1 The chair shall ask for a motion to adopt the agenda. Prior to taking the vote, members shall be provided an opportunity to state any other New Business as per Sub-section 8.2.2.1 which will be dispensed under the New Business -- Consideration Section of the Agenda.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

8.2.3.2 For clarity, the call of the vote on Adopting the Agenda shall serve to provide notice to Council, residents, and staff of “additional/new” matters to be considered during the meeting. It closes the opportunity to add additional unanticipated business matters and shall not serve to vote in support of or in opposition to any matter requested to be added as New Business.

8.2.4 Disclosure of Pecuniary Interest

8.2.4.1 See Sub-section 7.2.

8.2.5 Announcements

8.2.5.1 See Sub-section 7.3.

8.2.6 Adoption of Minutes of Previous Meeting(s)

8.2.6.1 The Chair shall ask for a motion to adopt the minutes from previous meeting(s).

8.2.7 Public Meetings

8.2.7.1 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 PD Committee to present the matter to the PD Committee.
- 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.

8.2.8 Delegations

8.2.8.1 See Section 9.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

8.2.9 Communications

- 8.2.9.1 All communications, designed to be presented to Council, which pertain to the mandate of the PD Committee, received by the Municipal Clerk before noon on Wednesday prior to the commencement of the PD Committee meeting shall be listed under the heading 'Communications' on the agenda, and shall be included in its entirety unless it is impractical to do so in which case it shall be included in a manner as determined by the Municipal Clerk. The Municipal Clerk shall ensure that a recommendation for disposal is prepared and included in the agenda.
- 8.2.9.2 At the discretion of the Municipal Clerk, an item of correspondence received after the publishing of the agenda and before the commencement of the meeting, which is of an urgent nature or directly relevant to a matter on the agenda for the meeting, may be added to the agenda. Such matter shall be communicated to the Members of Council and posted on the Municipal website as soon as possible.
- 8.2.9.3 Every communication to be presented to PD Committee, per Sub-sections 8.2.9.1 to 8.2.9.2, 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.
- 8.2.9.4 Communications to be posted to the municipal website may be abridged as determined by the Municipal Clerk to facilitate posting.

8.2.10 Presentations

- 8.2.10.1 See Sub-section 7.4.

8.2.11 Staff Reports

- 8.2.11.1 Staff reports pertaining to the PD Committee mandate as per Sub-section 5.3.2 or other such matter as may be referred to the PD Committee by Council shall be submitted to the PD Committee for consideration.

8.2.12 New Business -- Consideration

- 8.2.12.1 Members may only introduce a motion on any new business, provided that the matter was introduced prior to voting on the motion to Adopt the Agenda, in accordance with Sub-section 8.2.2.1.
- 8.2.12.2 As per Sub-section 10.12.2, all motions introduced in accordance with Sub-section 8.2.2.1 shall be in writing if requested by the Chair.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

- 8.2.12.3 Notwithstanding Sub-section 8.2.2.1 at the conclusion of dispensing of all business pertaining to each respective department, and prior to considering the next section of the Agenda, Members may ask Questions of Department Heads pertaining to any matter within the mandate of the PD Committee, including those not necessarily listed on the agenda.
- 8.2.12.4 Notwithstanding Sub-section 8.2.12.1, and despite Sub-section 2.2, new business matters of significance may be introduced by a simple majority of members present and voting.
- 8.2.13 Unfinished Business**
- 8.2.13.1 See Sub-section 7.10.
- 8.2.14 Confidential Reports**
- 8.2.14.1 The Confidential Reports Section of the PD Committee Agenda shall include any confidential PD Committee staff report (as outlined in Sub-section 8.2.11.1) that, due to the nature of the report should be considered by PD Committee in a closed meeting in accordance with Sub-section 4.7.

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 or Committee, as the case may be. The Delegation shall be limited to the time fixed by Sub-sections 9.2.5, 9.3.3 or 9.4.2, whichever is applicable.
- 9.1.2 Without leave of Council, members shall have one opportunity to ask questions of Delegations for the purpose of clarifying their submissions only 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.
- 9.1.4 Municipal audio visual equipment may be used to assist in delegations, provided that permission has been obtained for use of such equipment from the Municipal Clerk, or designate, at the time the delegates(s) contact the Municipal Clerk's Department to register for the Meeting. The delegate's electronic presentation must be provided to the Municipal Clerk's Department no later than close of business the Friday preceding the commencement of the Meeting. Electronic presentations will not be installed once the meeting has begun.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

9.1.5 No further delegations may be made in respect of a delegation placed on an agenda in accordance with this Sub-section.

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 Sub-section 9.2.1, Delegations shall not be permitted to speak to a matter that is the subject of Report from the GG Committee or PD Committee, or is the subject of a staff report or matter included under Unfinished Business included on the Council agenda, where the Delegation spoke to the item at the GG Committee or PD Committee meeting, including a Public Meeting, which is being reported to Council, unless a majority of the Members present vote in favour to hear the delegation.

9.2.3 Notwithstanding Sub-section 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 GG Committee or PD Committee, subject to Sub-section 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 fifteen (15) minutes prior to 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 ten (10) 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 Committee

9.3.1 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 Committee, as determined by the Municipal Clerk.

9.3.2 Notwithstanding Sub-section 9.3.1, unless otherwise determined by the Municipal Clerk, Delegations shall not be permitted to:

- a) speak to PD Committee regarding a matter that is the subject of a Public Meeting which is included on the PD Committee agenda.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

- b) speak to PD Committee regarding a matter which is within the mandate of the GG Committee meeting.
- c) speak to GG Committee regarding a matter which is within the mandate of the PD Committee meeting.

Time Limits

- 9.3.3 Each Delegation to Committee in respect of a particular matter shall be limited to ten (10) 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

- 9.3.4 Delegations shall notify the Municipal Clerk no later than fifteen (15) minutes prior to close of business on the Friday preceding the Committee Meeting and shall state the nature of the issue they wish to address.

Disposition of Delegation

- 9.3.5 When a delegate is addressing a matter that is not otherwise included on the agenda, a motion to deal with the delegation shall be in order immediately following the conclusion of the delegation.

9.4 At a Public Meeting

- 9.4.1 Where it is Council's responsibility to conduct a public meeting, the PD Committee shall conduct such Public Meeting.

Time Limits

- 9.4.2 Delegations to PD Committee 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 PD Committee agenda for the Meeting in question.

9.5 Special Meetings

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

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

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; or
- 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 or Members of 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, 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 Sub-section 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 to vacate the Council Chambers or room in which the Meeting is being held, but if the Member apologizes he may, by majority vote of the Members, be permitted to retake his seat; or
- e) 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.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

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 challenged, 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 or 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 or Committee, as the case may be, the decision of the Chair shall be final.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

- 10.6.2 If the Member wishes to appeal the decision of the Chair, he shall appeal immediately to Council or 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 or Committee, as the case may be, without debate on the following question: "Will the ruling be sustained?", and the decision of Council or Committee is final. The Chair may vote on this question. In the event of a tie vote, 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 request 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 or 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 Limit**
- 10.10.1 No Member, without leave of Council or 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 Sub-section 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.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

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.
- 10.12.2 Notwithstanding Sub-section 10.12.1, in a Meeting of Committee, unless otherwise provided for in this Procedural By-law, all motions introduced in accordance with Sub-sections 8.1.2.1 and 8.2.2.1 must be in writing if requested by the Chair.
- 10.12.3 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 Sub-section 10.12.9 it shall be stated by the Chair before debate.
- 10.12.4 Notwithstanding Sub-section 10.12.3, 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

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

No debate until properly moved and seconded

- 10.12.6 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

- 10.12.7 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

- 10.12.8 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 or Committee.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

Matters and Motions Without Notice and Without Leave

10.12.9 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 divide;
- f) Question be now put; and
- g) To recess.

10.12.10 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;
- b) To table with instructions (instructions for tabling only to be debatable);
- c) To amend, and
- d) To rescind.

Motion in Writing

10.12.11 Except as provided by Sub-section 10.12.9 and 10.12.10, all motions introduced at a Council Meeting shall be in writing.

Priority of Disposition

10.12.12 A motion properly before Council or Committee for decision must be disposed of before any other motion can be received except a motion in respect of matters listed in Sub-section 10.12.9 or 10.12.10.

Motion to Refer or Commit

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

10.12.14 A motion to refer or commit, or any amendment to it, is debatable and shall include:

- a) The name of the committee or person to whom the matter is to be referred, and
- b) The terms for referring the matter and the time or period, if any, on or within which the matter is to be returned.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

Motion to Amend

10.12.15 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.

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

Motion to Amend Something Previously Adopted

10.12.17 A motion to amend a previous action of Council requires a majority vote of the Members present and voting provided that notice has been given in accordance with Sub-section 7.13, and in case the aforesaid notice has not been given, the motion to amend a previous action of Council requires a two-thirds (2/3) vote of the Members present and voting.

Question Be Now Put

10.12.18 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 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 The matter tabled shall not be considered again by the Council or Committee until a motion has been made to lift from the table the tabled matter at the same or a subsequent Meeting.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

- 10.12.21 A matter tabled at a Meeting of the Committee may be lifted from the table by Council.
- 10.12.22 A matter tabled at Council may not be lifted from the table at a meeting of Committee.
- 10.12.23 A motion to lift a tabled matter from the table is not subject to debate or amendment.
- 10.12.24 A motion that has been tabled at a previous Meeting cannot be lifted from the table unless notice thereof is given in accordance with Sub-section 7.13.

Motion to Divide

- 10.12.25 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

- 10.12.26 A motion to rescind a previous action of Council requires a majority vote of the Members present and voting provided that notice has been given in accordance with Sub-section 7.13, and in case the aforesaid notice has not been given, the motion to rescind a previous action of Council requires a two-thirds (2/3) vote of the Members present and voting.
- 10.12.27 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

- 10.12.28 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 Procedural Notice of Motion has been introduced according to the procedure for Procedural Notice of Motion, provided for in Sub-section 7.13;
 - b) Debate on a motion to reconsider must be confined to reasons for or against the subject of the reconsideration;
 - c) No discussion of the main substantive motion shall be allowed until the motion for reconsideration is carried;
 - d) 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;

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

- e) 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
- f) A vote to reconsider a particular matter or decision will not be considered more than once during the term of Council.

10.12.28.1 Where a written decision of the Local Planning Appeal Tribunal (LPAT) identifies findings with regard to an appeal and delivers those findings to Council to make a new decision, the matter shall be placed as soon as practicable on the PD Committee meeting agenda by way of a staff report, following receipt of the written decision from LPAT. The matter shall be deemed not to be a "reconsideration" under section 10. 12.28 of this By-law.

Motion to Recess

- 10.12.29 A motion to recess shall provide for Council or 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.
- 10.12.30 A motion to recess is not debatable, but is amendable as to the length of the recess.

Motion to Adjourn

- 10.12.31 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 or 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 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.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

- 10.12.32 A motion to proceed beyond the scheduled adjournment time:
- a) Shall not be amended or debated;
 - b) Shall always be in order except when a Member is speaking or the Members are voting; and
 - 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, the member shall be deemed to have voted in the negative.
- 10.13.5 A Member not in his 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 vote required to pass a motion shall be a simple majority except as otherwise provided by this Procedural By-law or by Statute.
- 10.13.8 The Chair shall announce the result of every vote.

Unrecorded Vote

- 10.13.9 The manner of determining the decision of the Council or 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

- 10.13.10 A Recorded Vote shall be in order at Council, Committee and Local Board meetings, and may be requested immediately before or after the taking of the vote.

The Corporation of the Municipality of Clarington

(Consolidated) Procedural By-law 2015-029

- 10.13.11 When a Recorded Vote is requested by a Member during a Meeting, or is otherwise required, the Municipal Clerk shall record the name and vote of every Member.
- 10.13.12 The order in which Members vote on recorded votes shall be in alphabetical order of the Members present and voting, commencing with the Member who made the request and continuing through the alphabet and then back to the beginning of the alphabet, if necessary, until all Members have voted. The Chair shall vote last.
- 10.13.13 If a request for a recorded vote is made by the Chair, the order in which Members vote shall be in alphabetical order of the Members present and voting. 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 Sub-section 4.1 of this Procedural By-law, during a Meeting, shall maintain order and quiet and may not:
- a) Address Council or Committee without permission;
 - b) Interrupt any speaker or action of the Members or any other person addressing Council or 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 92-20, 2005-021, 2011-016, 2011-037, 2011-110, 2011-120, 2012-011, 2012-016 are hereby repealed.

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

- 11.2 This Procedural By-law shall come into full force and effect on September 1, 2015.

By-law passed in open session this 1st day of June, 2015.

ORIGINAL BY-LAW SIGNED

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

Index

Address the Chair.....	36
Adjourn, Motion to	42
Adopt the Agenda	27
Adopt the Agenda, PD Committee	29
Adoption of Minutes of Previous Meeting(s).....	27
Adoption of Minutes of Previous Meeting(s), PD Committee.....	30
Advisory Committees	17
Agenda, Adopt the	27
Agenda, Council.....	17
Agenda, GG Committee	18
Agenda, PD Committee.....	19
Agenda, Special Committee.....	20
Agendas and Minutes.....	17
Amend, Motion to	40
Announcements	See Announcements, at Council
Announcements, at Council	22
Announcements, at PD Committee	See Announcements, at Council
Appeal of Ruling of Chair	36
Appointment of Deputy Mayor.....	9
Appointments to Municipal Service Boards, Local Boards, Advisory Committees and Corporations.....	17
Audience, Conduct of the	44
Be Now Put, Question	40
Break, Scheduled.....	14
Business Arising from Procedural Notice(s) of Motion	25
Business, Other.....	26
Business, Unfinished, at GG Committee.....	See Business, Unfinished, at Council
Business, Unfinished, at PD Committee.....	See Business, Unfinished, at Council
By-law, Implementation of this By-law.....	44
By-laws.....	25
Call to Order, at Council.....	21
Call to Order, at GG Committee	See Call to Order, at Council
Call to Order, at PD Committee.....	See Call to Order, at Council
Chair, Address the.....	36
Chair, Participation in Debate.....	9
Closed Meetings	12
Commit, or Refer, Motion to	39
Committee Reports	24
Committees	15
Communications, at Council.....	24
Communications, at GG Committee.....	28
Communications, at PD Committee	31
Conduct of Delegations and Presenters.....	35
Conduct of Members of Council or Members of Committees	35
Conduct of the Audience	44

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

Confidential Reports.....	25
Confidential Reports, GG Committee.....	29
Confidential Reports, PD Committee.....	32
Correspondence, at Council.....	See Communications, at Council
Correspondence, at GG Committee.....	See Communications, at GG Committee
Correspondence, at PD Committee.....	See Communications, at PD Committee
Council Agenda.....	17
Council Ring.....	11
Council, Duties of.....	10
Council, First Meeting.....	11
Council, Not within Jurisdiction of.....	38
Council, Order of Proceedings.....	21
Curfew.....	See Adjournment
Debate and Conduct, Rules of.....	35
Debate, Participation of Chair in.....	9
Definitions and Interpretation.....	3
Delegations and Presenters, Conduct of.....	35
Delegations to Public Meetings.....	34
Delegations, General.....	32
Delegations, Special Meetings.....	34
Delegations, to Committee.....	33
Delegations, to Council.....	33
Deputy Mayor, Appointment of.....	9
Disclosure of Pecuniary Interest, Council & Committee.....	22
Disposition of Delegation.....	34
Disposition, Priority of.....	39
Divide, Motion to.....	41
Duties of Council.....	10
Duties of the Mayor.....	8
Electronic Devices.....	See Portable Electronic Devices
Electronic Participation, Declared Emergency.....	6
Electronic Participation, Routine.....	7
Emergency Special Meetings.....	See Special Meetings
Emergency Special Meetings, Notice of.....	14
Emergency, Electronic Participation.....	6
Exceptions, to Committee Mandates.....	16
First Meeting of Council.....	11
First Meeting, Council.....	See First Meeting
General Government Committee (GG).....	16
General Provisions.....	6
GG Committee.....	16
GG Committee Agenda.....	18
GG Committee Mandate.....	16
GG Committee, Order of Proceedings.....	27
Implementation, of this By-law.....	44
Inaugural Meeting.....	See First Meeting
Interpretation and Definitions.....	3

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

Issue not Addressed.....	6
Length of Meetings / Scheduled Break.....	14
Limit Time, for Debate	37
Limits, Time, Delegations, General	33
Limits, Time, Delegations, to Committee.....	34
Limits, Time, Delegations, to PD Committee.....	34
Mandate, GG Committee	16
Mandate, PD Committee	17
Matters and Motions Without Notice and Without Leave.....	39
Mayor, Duties of	8
Mayor, Voting	9
Meeting Minutes.....	20
Meeting, First	11
Meeting, Inaugural.....	See First Meeting
Meeting, Notice	13
Meetings.....	10
Meetings Open to Public	12
Meetings, Closed	12
Meetings, Public.....	30
Meetings, Regular	10
Meetings, Regular, Notice of	13
Meetings, Special.....	10
Meetings, Special, Notice of.....	14
Member of Council, Duties of.....	10
Members Speaking	37
Minutes, Agendas and.....	17
Minutes, Meeting.....	20
Motion in Writing	39
Motion Ruled Out of Order	38
Motion to Adjourn	42
Motion to Amend	40
Motion to Amend Something Previously Adopted	40
Motion to Divide	41
Motion to Recess	42
Motion to Reconsider	41
Motion to Refer or Commit	39
Motion to Rescind.....	41
Motion to Table	40
Motion to Withdraw.....	38
Motion, Procedural Notice(s) of.....	26
Motions, General.....	38
Motions, Reading	38
Motions, Voting on.....	43
New Business -- Consideration	28
New Business -- Consideration, PD Committee.....	31
New Business -- Introduction	27
New Business -- Introduction, PD Committee	29

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

No debate until properly moved and seconded	38
Not within Jurisdiction of Council	38
Notice of Meeting	13
Notice(s) of Motion, Business Arising from Procedural	25
Notice(s) of Motion, Procedural	26
Open to Public, Meetings	12
Order of Proceedings - Council	21
Order of Proceedings, GG Committee	27
Order of Proceedings, PD Committee	29
Order of Speaking	36
Order, Call to, at Council	21
Order, Call to, at GG Committee	See Call to Order, at Council
Order, Call to, PD Committee	See Call to Order, at Council
Order, Point of	36
Other Business	26
Out of Order, Motion Ruled	38
Participation of Chair in Debate	9
PD Committee Mandate	17
PD Committee, Order of Proceedings	29
Pecuniary Interest, Council & Committee	22
Planning and Development Committee	19
Point of Order	36
Point of Privilege	36
Portable Electronic Devices	15
Presentations, General	23
Presentations, to Committee	23
Presentations, to GG Committee	See Presentations, to Council
Presentations, to PD Committee	See Presentations, to Council
Presenters, Conduct of	35
Priority of Disposition of Motions	39
Privilege, Point of	36
Procedural Notice(s) of Motion	26
Public Meeting, Delegations to	34
Public Meetings	30
Question Be Now Put	40
Question Read	37
Questions	37
Quorum	12
Read Question	37
Reading Motions	38
Recess, Motion to	42
Reconsideration	41
Recorded Vote	43
Recording of Council and Committee Meetings, Video	15
Refer or Commit, Motion to	39
Regular Meetings	10
Regular Meetings, Notice of	13

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

Reply, Speak Once	37
Reporting to Committee	17
Reporting to Council	16
Reports, Committee	24
Reports, Confidential.....	25
Reports, Confidential, GG Committee	29
Reports, Confidential, PD Committee.....	32
Reports, Staff, at Council	25
Reports, Staff, GG Committee	28
Reports, Staff, PD Committee	31
Request to Speak, Special Meeting	34
Request to Speak, to Committee	33
Request to Speak, to Council.....	33
Rescind, Motion to.....	41
Ruled Out of Order, Motion	38
Rules of Debate and Conduct	35
Rules of Procedure, Suspension.....	6
Ruling of Chair, Appeal of	36
Scheduled Break/Length of Meetings.....	14
Seating and Persons within Council Ring.....	11
Speak Once - Reply	37
Speak, Request, to Committee	33
Speak, Request, to Council.....	33
Speaking, Members of	37
Speaking, Order of	36
Special Committee Agendas	20
Special Meetings	10
Special Meetings, Delegations to	34
Special Meetings, Emergency, Notice of.....	14
Special Meetings, Notice of.....	14
Staff Reports, at Council	25
Staff Reports, GG Committee	28
Staff Reports, PD Committee	31
Suspension of Rules of Procedure.....	6
Table, Motion to	40
Time Limit, for Debate	37
Time Limits, Delegations, General	33
Time Limits, Delegations, to Committee.....	34
Time Limits, Delegations, to PD Committee.....	34
Unfinished Business, at Council.....	25
Unrecorded Vote	43
Video Recording of Council and Committee Meetings	15
Vote, Recorded	43
Vote, Unrecorded	43
Voting on Motions	43
Voting, Mayor	9
Withdrawn, Motion.....	38

The Corporation of the Municipality of Clarington
(Consolidated) Procedural By-law 2015-029

Without Notice and Without Leave, Matters and Motions.....	39
Writing, Motion in	39