



Staff Report

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Report To:	General Government Committee		
Date of Meeting:	May 6, 2024	Report Number:	LGS-018-24
Submitted By:	Rob Maciver, Deputy CAO/Solicitor, Legislative Services		
Reviewed By:	Mary-Anne Dempster, CAO	Resolution#:	GG-078-24
Authored by:	June Gallagher, Municipal Clerk		
File Number:		By-law Number:	2024-021
Report Subject:	Procedural By-law Changes – Delegations and Strong Mayors Act		

Recommendations:

1. That Report LGS-018-24, and any related delegations or communication items, be received;
2. That the By-law attached to Report LGS-018-24, as Attachment 2, to amend sections of the Procedural By-law 2023-033 related to delegations and the Strong Mayors Act, be approved; and
3. That all interested parties listed in Report LGS-018-24, and any delegations, be advised of Council's decision.

Report Overview

This report responds to the Council direction to amend the Procedural By-law, specifically as it relates to delegations. In addition, it addresses changes arising from the Strong Mayors Act.

1. Background

- 1.1 Arising out of the Strong Mayors Act, Staff brought [Report LGS-024-23](#) to the General Government Committee of September 11, 2023. The Committee passed the following Resolution #GG-145-23 (excerpted):

“That Staff bring forward the Procedural By-law amendments noted in Section 14 of this report, directly to a future Council meeting.”

- 1.2 At the March 25, 2024, Council meeting, [Council passed the following Resolution # C-029-24](#):

That the Municipal Clerk be directed to prepare a report for possible wording changes to the Procedural By-law, as follows:

1. Require all requests for delegations to be accompanied by a written summary, to be included in the Agenda, outlining their subject, their address, their reason for delegating, their desired action requested of Council, and any supporting documentation.
2. For matters which are more properly within the responsibility of staff, the Clerk shall notify the proposed delegate that the delegation shall not be listed on the agenda and shall direct the proposed delegate to the appropriate department. The delegation shall not be listed on an agenda until staff has had the opportunity to address the matter.
3. Not allow delegations who are there for the sole purpose of generating publicity for an event.
4. Not allow candidates, or nominees, for a political party.
5. Regarding decorum, add the following clause as follows:
 - a. “No person shall make detrimental comments, or speak ill of, or malign the integrity of staff, the public or Council and Committee.”
 - b. Members of the public shall be respectful of Council, staff, delegations, and all attendees at the meeting by refraining from public outbursts, heckling, shouting, making comments, or behaviour intended to disrupt the debate, discussion and/or general proceedings.

- c. Attendees shall not engage in conversations, display placards or props.
6. Change the time limit for delegations from ten minutes to seven minutes, with a single extension of up to three minutes by majority vote. Should there be more than one individual that registers to speak as a group, the group shall be allotted up to ten minutes to delegate.
7. That the time limit for Members of the Public to speak at Public Meetings be changed from ten minutes to five minutes.
8. That the time limit for Staff and Consultant presentations at Public Meetings be added to the Procedural By-law as 20 minutes.

That all interested parties be advised of Council's decision.

2. Review of the Council Resolution's

Other Municipalities

- 2.1 Staff have surveyed the Durham Area municipalities regarding various aspects of delegations and their procedural by-laws. Attachment 1 shows the results of the survey.

Written Submission/Summary

- 2.2 Clarington's current [Procedural By-law 2023-033](#) does not include a requirement for a written submission/summary, other than the following subsections:
 - 7.5.6 Where a Delegation wishes to provide Members with written communication supporting the Delegation's comments, the communication shall be provided to the Municipal Clerk prior to the meeting. The written communication may be distributed to the Members at the discretion of the Municipal Clerk or designate.
 - 7.5.11 Where a delegation request is received after the Agenda Deadline and the matter is included on an agenda for a meeting, the request will be added to the addendum for the applicable meeting if written notice to the Clerk is received, **including the subject of their address and their desired action requested by Council, by the Agenda Update Deadline for the meeting.**

2.3 To address Council's direction, Staff recommend a new section be added to the beginning of the delegation section, and the subsequent sections be renumbered:

7.5.1 All requests for delegations shall be accompanied by a written summary, to be included in the Agenda, outlining their subject, their name and address, their reason for delegating, their desired action requested of Council, and any supporting documentation. Delegations will not be allowed if the Municipal Clerk, in consultation with the CAO, deems that the written summary is not sufficient to convey the topic and position of the delegation.

2.4 As a matter of housekeeping, Staff are also recommending that subsection 7.5.11 be changed to remove content details as they are addressed in the new section. Therefore, change from:

"if written notice to the Clerk is received, including the subject of their address and their desired action requested by Council, by the Agenda Update Deadline for the meeting."

TO:

"if written notice to the Clerk is received, by the Agenda Update Deadline for the meeting."

2.5 To facilitate the above, Staff will be changing their process and will be adding the "Delegation Request" to the delegation on the agenda (minus personal details – but leaving the person's municipality). This will include the above information that Council is requesting.

Matters Under Staff Responsibility

2.6 Subsection 7.6.2. touches on the matter of items that are the subject of a staff report:

7.6.2 Notwithstanding Sub-section 7.6.1, Delegations shall not be permitted to speak to a matter that was considered at a Standing 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 a Standing 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.

- 2.7 As a housekeeping matter, Staff are seeking to clarify the wording, within subsection 7.6.2: “unless a majority of the Members present vote in favour to hear the delegation”. Although Council can always suspend the rules to hear a delegation, it puts Staff in a difficult position where we tell them that they are not permitted to speak “unless Council lets you” – then we have the difficulty of “do we add them to the agenda?” “do we tell them to show up and hope for the best?” “do we send them the link to appear electronically?” Therefore, Staff are recommending the removal of this wording in subsection 7.6.2.
- 2.8 In addition to Council’s concern above, Staff are also concerned about delegations which may come to Committee prematurely (i.e. the matter has been referred to Staff for a report which is not yet published). To address both concerns, Staff recommend a new section be added:
- 7.5.2(f) Speak to matters which have been referred to Staff for a report which is not yet on a published agenda or matters which are within the responsibility of Staff. For these inquires, the Clerk shall notify the proposed delegate that the delegation shall not be listed on the agenda and shall direct the proposed delegate to the appropriate Department. The delegation shall not be listed on an agenda until Staff has had the opportunity to address the matter.
- 2.9 Similarly, Staff recommend the following new section be added related to Communications, and subsequent sections be renumbered:
- 7.14.2 Communications which relate to a matter which has been referred to Staff for a report which is not yet on a published agenda or matters which are within the responsibility of Staff, shall not be placed on an agenda or the ECCIP and will be forwarded to the appropriate staff member for response to the author.

Agenda Restrictions

- 2.10 Subsection 2.6 of the Procedural By-law outlines Agenda Restrictions, which is directly referred to from the Delegation section, but does not currently include a restriction regarding publicity.
- 2.11 To address Council’s direction, Staff recommend a new section be added, and the remainder (existing (j)) of subsection 2.6.1 be renumbered accordingly:
- 2.6.1 (j) is solely for the purpose of generating publicity for an event;

2.12 Additionally, Staff have identified that the following agenda restriction also be added:

2.6.1 (k) Involves an active by-law investigation or prosecution.

2.6.1 (l) Involves other administrative, or operational matters, including but not limited to: contract awards and billing discrepancies/issues.

Candidates and Nominees

2.13 Subsection 2.6 of the Procedural By-law includes a restriction “where the subject matter involves political parties”. This does not speak particularly to nominees or candidates, or addressing candidates in a municipal election which would not be affiliated with a political party.

2.14 To address Council’s direction, Staff recommend that “candidate” and “political party” be defined and that the above section be replaced with the following wording:

2.6.1 (i) Involves candidates, political parties, or nominees for a political party.

Conduct

2.15 Subsection 7.9.1 of the Procedural By-law outlines the conduct for delegations and presenters who 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;

f) appropriate any unused time allocated to another Delegation or Presenter; or

g) deviate from answering directly when answering a question.

- 2.16 To address Council's direction regarding comments, Staff recommend that subsection 7.9.1 (a), regarding conduct of delegations and presenters, be replaced with the following wording:
- 7.9.1 (a) speak disrespectfully of any person or make detrimental comments, or speak ill of, or malign the integrity of staff, the public or Council and Committee.
- 2.17 To address the display of placards and props, Staff recommend that the following section also be added to Subsection 7.9.1:
- 7.9.1 (h) display placards or props.
- 2.18 Similarly, subsection 9.14.1 states that Members of the Public 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, except following award presentations;
 - e) Behave in a disorderly manner; or
 - f) Make any other noise or sound that proves disruptive to the conduct of the meeting.
- 2.19 To address Council's direction Staff recommend that the following subsections be replaced, with the addition of subsection 9.14.1(g):
- 9.14.1(c) Speak out and shall refrain from public outbursts, heckling, shouting, making comments, or behaviour intended to disrupt the debate, discussion and/or general proceedings;
 - 9.14.1(e) Behave in a disorderly manner or be disrespectful of Council, Staff, delegations, or any member of the audience.
 - 9.14.1 (f) Engage in conversations or make any other noise, or sound, that proves disruptive to the conduct of the meeting;
 - 9.14.1 (g) Display placards or props.

Time Limit

2.20 The matter of the delegation time limit has changed back and forth over the years. The following is a summary of the history of the delegation time limit (beginning in 2001):

- [Report CLD-017-01](#) and its [Addendum](#) recommended changing the time limit from 10 minutes to five minutes in By-law 95-55. Council referred it back to staff and ultimately it was decided to keep it to ten minutes.
- [Report CLD-041-07](#) recommended five minutes and Council approved five minutes ([By-law 2007-227](#)).
- In January, 2022, arising out of a delegation and correspondence, Council changed the limit from five minutes to ten minutes (Amending [By-law 2011-009](#)).
- [Report CLD-007-11](#) containing a new procedural by-law ([By-law 2011-016](#)) which kept the ten minutes.
- [Report CLD-006-15](#) containing a new procedural by-law which ([By-law 2015-029](#)) kept the ten minutes.
- [Report LGS-017-21](#) containing a new procedural by-law which recommended five minutes and Council changed it to ten minutes ([By-law 2021-054](#)).
- [Report LGS-017-23](#) was the most recent comprehensive Staff review of the Procedural By-law and Staff considered recommending a reduction from ten minutes to five minutes, but there did not seem to be an appetite for that, in discussions with individual Members of Council, so it remained at ten minutes with a single extension.

2.21 The current Procedural By-law contains the following time limits for delegations:

7.5.13 Each Delegation in respect of a particular matter shall be limited to 10 minutes in addition to the time taken by Council to ask questions of the delegate and to receive answers to such questions.

7.5.14 An extension of 2 minutes may be provided to a delegation by passing a motion with a simple majority vote. All other extensions require the suspension of the rules of procedure.

2.22 To address Council's direction regarding time limits for delegations, Staff recommend subsections 7.5.13 and 7.5.14 be replaced with the following:

7.5.13 Each Delegation in respect of a particular matter shall be limited to seven minutes in addition to the time taken by Council to ask questions of the delegate and to receive answers to such questions.

7.5.14 Should there be more than one individual who registers to speak as a group on the same matter, the group shall be allotted up to ten minutes to delegate.

7.5.15 A single extension, of up to three minutes, may be provided to a delegation by passing a motion with a simple majority vote. All other extensions require the suspension of the rules of procedure.

2.23 Regarding Council's direction to change the time limit for Members of the Public to speak at Public Meetings from ten minutes to five minutes, Staff have concerns about communicating the distinction between delegations (i.e. one is for seven minutes, and one is for five minutes) and presentations. However, if it is Council's wish to proceed with the original direction in the resolution, Staff recommend replacing the following subsection 7.10.3:

Members of the Public speaking at a Public Meeting shall be limited to 10 minutes, in addition to the time taken by Council to ask questions of the person and to receive answers to such questions.

With the following:

Members of the Public speaking at a Public Meeting shall be limited to five minutes, in addition to the time taken by Council to ask questions of the person and to receive answers to such questions.

2.24 Regarding Council's direction to add a limit of 20 minutes for staff and consultant presentations at Public Meetings, Staff recommend adding the following subsection 7.4.6:

"The time limit for Staff and Consultant presentations at Public Meetings shall be 20 minutes."

3. Changes Arising out of the Strong Mayors Act

Previously Identified Matters

- 3.1 The following matters were identified, in [Report LGS-024-23](#) regarding the Strong Mayors Act, as possible changes to the Procedural By-law:
- Add that the Procedural By-law may be subordinated to the Strong Mayors powers section (Part VI.1) of the Municipal Act.
 - Mayoral veto overrides must be by 2/3 majority vote as defined in Part VI.1 of the Municipal Act.
 - The Strong Mayors powers allows the Mayor to appoint the Chair and Vice-Chair of Committees wholly consisting of Members of Council (i.e. General Government Committee and the Planning and Development Committee).
 - Deputy Mayors do not have the Strong Mayor powers.
 - The logistics of Council overriding a Mayoral veto, i.e. if there is a Council meeting scheduled within the timeframe, a Councillor should be able to put the proposed override resolution on the agenda for consideration. The Procedural By-law however does not allow a Member to add new business to a Council meeting. NOTE: If there is no meeting scheduled within the timeframe, and the Mayor is not willing to call a Special Council meeting, the current procedural by-law provisions for the calling of a special meeting by a majority of members prevails.
 - Clarify the Mayor's power to introduce a matter or a by-law that could potentially affect a prescribed provincial priority and require Council to consider the matter, regardless of the Procedural By-law.
- 3.2 Although the resolution, arising out of Report LGS-024-23, directed Staff to bring the changes directly to a Council meeting, Staff felt that it would be appropriate to include it in this update to the Procedural By-law. Therefore, Staff are recommending that the following wording be added to the end of subsection 2.1.1, under the Applicability section:
- “unless specifically overridden by sections of the Municipal Act (i.e. Strong Mayor powers).”

3.3 Therefore, Staff are recommending that the following replace subsection 2.4.1(a):

“The majority of Members have the right to decide unless specifically noted elsewhere in this Procedural By-law, or by Statute.”

3.4 Staff are recommending that the following words be deleted from subsection 5.1.1(b):

“Each Member shall Chair the GG Committee meetings in accordance with the following schedule:”

And replaced with the following words:

“Unless the Strong Mayors Powers are invoked where the Mayor may appoint the Chair and Vice-Chair of Committees wholly consisting of Members of Council, each Member shall Chair the GG Committee meetings in accordance with the following schedule:”

3.5 Staff are recommending that the following wording be added to the end of subsection 3.2.1, under the “Appointment of Deputy Mayor” section:

“except the Strong Mayors powers as defined in Part VI.1 of the Municipal Act.”

3.6 Staff are recommending that the following sections be added:

7.16.1.1 Notwithstanding subsection 7.16.1, Members of Council are permitted to add an agenda item to the “Items for Separate Discussion” section of the Council agenda (not a Standing Committee) to override a Strong Mayors’ Mayoral veto by providing notice to the Clerk prior to the meeting, in accordance with the Council override provisions of the Strong Mayor powers within Part VI.1 of the Municipal Act.

7.16.1.2 Despite any provision in this Procedural By-law and subject to any prescribed requirements, if the Mayor is of the opinion that a particular matter could potentially advance a prescribed provincial priority, the Mayor may require the Council to consider the matter at either a Standing Committee or Council meeting, without notice, in accordance with the Strong Mayor powers within Part VI.1 of the Municipal Act.

- 7.20.1.1 Despite any provision in this Procedural By-law and subject to any prescribed requirements, if the Mayor is of the opinion that a by-law could potentially advance a prescribed provincial priority, the Mayor may propose the by-law to the Council and require the Council to consider and vote on the proposed by-law at either a Standing Committee or a Council meeting, without notice, other than notice prescribed in Statutes, in accordance with the Strong Mayor powers within Part VI.1 of the Municipal Act.
- 3.7 Regarding the Mayor's power to put items on an agenda, Staff are recommending that wording be added to clarify that the Mayor is the mover and does not require a seconder for Council to consider and vote on that by-law, but for a matter, Council may deal with it how they see fit through the normal course of the mover, seconder, and voting on a motion. These actions may include referring, deferring, dividing, or tabling, etc.
- 3.8 Therefore, Staff are recommending that the following subsections be added, renumbering subsection 9.12.4 to be 9.12.4(a):
- 9.12.4(b) Notwithstanding subsection 9.12.4(a), if the Mayor is invoking Strong Mayor powers within Part VI.1 of the Municipal Act for Council to consider and vote on a particular by-law, the Mayor shall be the mover and no seconder shall be required.
- 9.12.4(c) Notwithstanding subsection 9.12.4(a), if the Mayor is invoking Strong Mayor powers within Part VI.1 of the Municipal Act for Council to consider a matter, the matter may be dealt with as the Committee or Council sees fit through the normal course of a mover, seconder, and voting on a motion.
- 3.9 For clarity, Staff are recommending that the following be added:
- 3.3.3 Notwithstanding any requirement for the Mayor to leave the Chair to introduce a motion, this does not apply when the Mayor is introducing a motion under the Strong Mayor powers within Part VI.1 of the Municipal Act.

Confirming By-law

- 3.10 Section 11 of the Municipal Act states that municipalities may pass by-laws respecting matters prescribed in the section. A confirming by-law confirms all the decisions of Council and provides a by-law reference for all its decisions in the meeting, whether done by by-law or not. It ensures that the municipality complies with Section 11 of the Municipal Act.

- 3.11 The [Procedural By-law](#) includes a section for a Confirming By-law. The [current Clarington confirming by-law](#) makes no reference to the Strong Mayors Act. Further to Staff's initial review of the impacts of the Strong Mayors Act, Staff are recommending changes to the standard wording in the confirming by-law.
- 3.12 Staff have reviewed the confirming by-laws of other municipalities, and the legislation, and will be changing the standard template for a confirming by-law to that indicated in Attachment 3.

4. Financial Considerations

Not Applicable.

5. Strategic Plan

Not Applicable.

6. Concurrence

Not Applicable.

7. Conclusion

It is respectfully recommended that Council approve the draft by-law (Attachment 2) to amend the Procedural By-law.

Staff Contact: June Gallagher, Municipal Clerk, jgallagher@clarington.net

Attachments:

Attachment 1 – Summary of Durham Municipalities – Delegations & Procedural By-law
Attachment 2 – By-law to Amend the Procedural By-law
Attachment 3 – New Confirming By-law Template

Interested Parties:

Rege Harren
Libby Racansky

Attachment 1 to Report LGS-018-24
Summary of Durham Municipalities' Procedural By-law
Regarding Delegation Questions

Question/Matter	<u>Region</u>	<u>Ajax</u>	<u>Brock</u>	<u>Oshawa⁴</u>	<u>Pickering</u>	<u>Scugog</u>	<u>Uxbridge</u>	<u>Whitby</u>
A Delegate may only address a Standing Committee/Council with respect to an item on the agenda.	With written submission, at Standing Committees only. Delegations at COW are only allowed on agenda items, and delegations at Council or only allowed on items on the agenda that were not first addressed at a Committee meeting. Can only be heard at Council provided they first appeared at Committee.	“All Delegations for items not listed on an agenda shall register ten (10) days prior to the Meeting.”	Committee first ² . Request for support, free use, in-kind, or added services should go to Council as there may be budget implications, unless there is delegated authority, or a policy, or approved budget. Delegations must be submitted in writing with any support documentation and in accordance with our agenda deadlines (one week prior). We have an agenda item on each agenda that is: Public Comments or Questions as it relates to Items on the Agenda.	Written request ⁵ With the exception of matters considered directly by Council, a Delegation will be first heard at the Committee as determined by the Clerk in relation to the subject matter of the Delegation, prior to Council.	Delegations for items not listed on an agenda shall register 10 days prior to the Meeting. Delegations requesting action be taken shall be referred to Staff for a report.	Can only be heard at Council provided they first appeared at Committee, except where the matter is on Council or urgent.	Goes to Committee, with proper notice.	Uses the suggested wording. Written notice required. Must first appear before Committee unless the matter comes direct to Council.
Not allowing delegations from persons who are not citizens of Clarington, excluding public meetings (in order to allow agents/consultants/developers).	No such exclusion	No such exclusion	No such exclusion	No such exclusion	No such exclusion	No such exclusion	No such exclusion	No such exclusion, but they note whether the delegation is a resident, non-resident, or representing a company on the agenda

Attachment 1 to Report LGS-018-24
Summary of Durham Municipalities' Procedural By-law
Regarding Delegation Questions

Question/Matter	<u>Region</u>	<u>Ajax</u>	<u>Brock</u>	<u>Oshawa</u>⁴	<u>Pickering</u>	<u>Scugog</u>	<u>Uxbridge</u>	<u>Whitby</u>
Not allowing delegations who are there for the "sole purpose of generating publicity for an event".	No such exclusion. We sometimes have delegations promoting events (usually if they are encouraged by staff and endorsed by the Region). ^{R1}	Uses this suggested wording.	If the submission clearly has a political intent, or other publicity intent, then, in discussions with the Mayor, have the authority to say "no thank you".		Uses this suggested wording.			Uses this suggested wording.
Not allowing candidates, or nominees, for a political party.	No such exclusion. But such a delegation could be found to be out of council's jurisdiction.	Similar wording ¹	No such exclusion – But could be "outside of jurisdiction" or could be addressed in the "use of Corporate resources during and election policy"		No such exclusion - But could be "outside of jurisdiction"			Uses this suggested wording.
No person shall make detrimental comments, or speak ill of, or malign the integrity of staff, the public or Council and Committee.	Chair to maintain order & decorum and, if necessary, through points of privilege which includes impugning the reputation of staff. The Region has experienced "ambushing".	"Attendees shall maintain order and not heckle or engage in conversations, display placards or props, or engage in any behavior that may be considered disruptive."	Members of the public shall be respectful of Council, staff, delegations and all attendees at the meeting by refraining from public outbursts, heckling, shouting, making comments, or behavior intended to disrupt the debate, discussion and/or general proceedings. ³	Meeting attendees will maintain mutual respect and order and not disrupt the Meeting in any manner.	See below ⁶ Also restrictions on signs, banners, emblems and flags	See below ⁷	Can't be disrespectful of any person; use improper language or unparliamentary language; disobey the rules of Procedure or decision of Chair.	Uses this suggested wording.
How long are delegations?	5 minutes	5 minutes	5 minutes	5 minutes	5 minutes	5 minutes	10 minutes	5 minutes

Attachment 1 to Report LGS-018-24 Summary of Durham Municipalities' Procedural By-law Regarding Delegation Questions

NOTES:

^{R1}REGION = Restrictions on delegations:

- Delegations related to labour relations, ongoing legal proceedings, insurance claims, or solicitation of business shall not be permitted.
- Delegations with respect to complaints about Regional administrative processes shall not be permitted, including but not limited to contract awards and billing discrepancies/issues.
- We also have restrictions on delegations coming to speak repeatedly about previous decisions of council, as a means to not tie up meeting time addressing things that are already dealt with.

¹AJAX = The Clerk may decline to grant a request for delegation if the subject matter pertains to personnel matters, labour relations, ongoing legal proceedings, solicitation of business, political parties, or if it is otherwise apparent that the subject matter of the delegation is not suitable for discussion at a meeting of Council. Individuals wishing to appear as a delegation may be encouraged by a Member or a Staff person to consider resolving an issue or concern with Staff in lieu of, or prior to, submitting a request for delegation.

²BROCK = For matters which are more properly within the responsibility of staff, the Clerk shall notify the proposed delegate that the delegation shall not be listed on the agenda and shall direct the proposed delegate to the appropriate department. The delegation shall not be listed on an agenda until staff has had the opportunity to address the matter.

³BROCK = Delegations shall not:

- Speak disrespectfully of any person;
- Use improper language or unparliamentary language;
- Speak on any subject matter other than the subject for which they have given notice to address Council/Committee;
- Disobey the decision of the Chair; or
- Enter into debate with Members.

Attachment 1 to Report LGS-018-24 Summary of Durham Municipalities' Procedural By-law Regarding Delegation Questions

⁴OSHAWA = Related to correspondence = Correspondence that, in the Clerk's determination, relates to staff performance, labour relations, ongoing legal proceedings or solicitation of business will not be placed on an agenda or considered by Council or a Committee and will be referred to staff. Council or the Committee to which the correspondence was addressed will be advised of the Clerk's determination. Correspondence that, in the Clerk's determination, relates to the following will not be placed on an agenda:

- Matters which are not within Council's jurisdiction;
- Matters which have been decided upon by Council, if the period for reconsideration on the matter set out in section 26.10 has not expired;
- Matters which have been referred to staff for a report, until the matter is before Council or Committee; and
- Matters which are the subject of an Education and Training Session.

⁵OSHAWA = Related to delegations = Delegation requests that relate to staff performance, ongoing legal proceedings or solicitation of business will not be placed on an agenda or considered by Council or a Committee and will be referred to staff. Council, or the Committee to which the Delegation was intended, will be advised by the Clerk. Delegation requests that, in the Clerk's determination, relate to the following matters will not be placed on an agenda (similar restrictions as correspondence).

⁶PICKERING = Regarding conduct = The Chair may impose restrictions on any Delegation and any questions to a Delegation for disorder or any other breach of this By-law and, if the Chair rules that the Delegation is concluded, the person or persons appearing shall end the Delegation. Delegations limitations are the same as Brock.

⁷SCUGOG= Same wording as Brock for matters that are staff responsibility. Regarding delegations the limitations are the same as Brock, with the following additions:

- appropriate any unused time allocated to another Delegation or Presenter.
- be placed on an agenda to discuss the same matter within six (6) months of the last appearance, unless otherwise approved by the Mayor.

If this information is required in an alternate format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

The Corporation of the Municipality of Clarington
By-law 2023-XXX

Being a by-law to amend the Procedural By-law 2023-033.

Whereas, arising out of Report LGS-018-24, Council approved Resolution #GG-XXX-24, to amend the Procedural By-law regarding delegations and the Strong Mayors Act;

Now therefore be it enacted that By-law 2023-033, Clarington's Procedural By-law, be amended as follows:

1. Add the following to Section 1 – “Definitions and Interpretation”:

“Candidate” shall have the same meaning as in the Canada Elections Act, S.C. 2000, the Election Act, R.S.O. 1990, or the Municipal Elections Act, 1996, as applicable, and shall be deemed to include a person or an agent for a registered person seeking to influence another person to vote for or against any candidate, question, or by-law submitted to the electors.

“Group” means more than one person speaking on the same topic registered as a single delegation.

“Political Party” means a political party registered with Elections Ontario or Elections Canada if it succeeds in endorsing one, or more confirmed candidates, in a general election or a by-election after it has become eligible for registration.

2. Add the following new subsection to the beginning of the delegation section and the subsequent sections be renumbered:

7.5.1 All requests for delegations shall be accompanied by a written summary, to be included in the Agenda, outlining their subject, their name and address, their reason for delegating, their desired action requested of Council, and any supporting documentation. Delegations will not be allowed if the Municipal Clerk, in consultation with the CAO, deems that the written summary is not sufficient to convey the topic and position of the delegation.

3. Replace the following words from subsection 7.5.11:

“if written notice to the Clerk is received, including the subject of their address and their desired action requested by Council, by the Agenda Update Deadline for the meeting.”

With the following words:

“if written notice to the Clerk is received, by the Agenda Update Deadline for the meeting.”

4. Delete the following words from subsection 7.6.2:

“unless a majority of the Members present vote in favour to hear the delegation.”

5. Add the following new subsections, and the subsequent sections be renumbered accordingly:

7.5.2(f) Speak to matters which have been referred to Staff for a report which is not yet on a published agenda or matters which are within the responsibility of Staff. For these inquires, the Clerk shall notify the proposed delegate that the delegation shall not be listed on the agenda and shall direct the proposed delegate to the appropriate Department. The delegation shall not be listed on an agenda until Staff has had the opportunity to address the matter.

- 7.14.2 Communications which relate to a matter which has been referred to Staff for a report which is not yet on a published agenda or matters which are within the responsibility of Staff, shall not be placed on an agenda or the ECCIP and will be forwarded to the appropriate staff member for response to the author.
6. Add the following new subsections, and renumber subsection 2.6.1 accordingly:
- 2.6.1 (j) Solely for the purpose of generating publicity for an event.
 - 2.6.1 (k) Involves an active by-law investigation or prosecution.
 - 2.6.1 (l) Involves other administrative, or operational matters, including but not limited to: contract awards and billing discrepancies/issues.
7. Replace subsection 2.6.1(i) with the following:
- 2.6.1 (i) Involves candidates, political parties, or nominees for a political party.
8. Replace subsection 7.9.1(a) with the following:
- 7.9.1(a) speak disrespectfully of any person, or make detrimental comments, or speak ill of, or malign the integrity of staff, the public or Council and Committee.
9. Add the following to subsection 7.9.1:
- 7.9.1 (h) display placards or props.
10. Replace subsection 9.14.1(c) with the following:
- 9.14.1(c) Speak out and shall refrain from public outbursts, heckling, shouting, making comments, or behaviour intended to disrupt the debate, discussion and/or general proceedings;
11. Replace subsection 9.14.1(e) with the following:
- 9.14.1(e) Behave in a disorderly manner or be disrespectful of Council, Staff, delegations, or any member of the audience.
12. Replace subsection 9.14.1(f) with the following:
- 9.14.1 (f) Engage in conversations or make any other noise, or sound, that proves disruptive to the conduct of the meeting;
 - 9.14.1 (g) Display placards or props.

13. Replace subsections 7.5.13 and 7.5.14 with the following:

7.5.13 Each Delegation in respect of a particular matter shall be limited to seven minutes in addition to the time taken by Council to ask questions of the delegate and to receive answers to such questions.

7.5.14 Should there be more than one individual who registers to speak as a group on the same matter, the group shall be allotted up to ten minutes to delegate.

7.5.15 A single extension, of up to three minutes, may be provided to a delegation by passing a motion with a simple majority vote. All other extensions require the suspension of the rules of procedure.

14. Replace subsection 7.10.3 with the following:

7.10.3 Members of the Public speaking at a Public Meeting shall be limited to five minutes, in addition to the time taken by Council to ask questions of the person and to receive answers to such questions.

15. Add the following subsection:

7.4.6 The time limit for Staff and Consultant presentations at Public Meetings shall be 20 minutes.

16. Add the following wording to the end of subsection 2.1.1, under the Applicability section:

“unless specifically overridden by sections of the Municipal Act (i.e. Strong Mayor powers).”

17. Delete the following words in subsection 2.4.1(a):

“The majority of Members have the right to decide.”

And replaced with the following words:

“The majority of Members have the right to decide unless specifically noted elsewhere in this Procedural By-law, or by Statute.”

18. Delete the following words from subsection 5.1.1(b):

“Each Member shall Chair the GG Committee meetings in accordance with the following schedule:”

And replaced with the following words:

“Unless the Strong Mayors Powers are invoked where the Mayor may appoint the Chair and Vice-Chair of Committees wholly consisting of Members of Council, each Member shall Chair the GG Committee meetings in accordance with the following schedule:”

19. Add the following words to the end of subsection 3.2.1, under the “Appointment of Deputy Mayor” section:

“except the Strong Mayors powers as defined in Part VI.1 of the Municipal Act.”
20. Add the following sections:
 - 7.16.1.1 Notwithstanding subsection 7.16.1, Members of Council are permitted to add an agenda item to the “Items for Separate Discussion” section of the Council agenda (not a Standing Committee) to override a Strong Mayors’ Mayoral veto by providing notice to the Clerk prior to the meeting, in accordance with the Council override provisions of the Strong Mayor powers within Part VI.1 of the Municipal Act.
 - 7.16.1.2 Despite any provision in this Procedural By-law and subject to any prescribed requirements, if the Mayor is of the opinion that a particular matter could potentially advance a prescribed provincial priority, the Mayor may require the Council to consider the matter at either a Standing Committee or Council meeting, without notice, in accordance with the Strong Mayor powers within Part VI.1 of the Municipal Act.

7.20.1.1 Despite any provision in this Procedural By-law and subject to any prescribed requirements, if the Mayor is of the opinion that a by-law could potentially advance a prescribed provincial priority, the Mayor may propose the by-law to the Council and require the Council to consider and vote on the proposed by-law at either a Standing Committee or a Council meeting, without notice, other than notice prescribed in Statutes, in accordance with the Strong Mayor powers within Part VI.1 of the Municipal Act.

21. Renumber subsection 9.12.4 to 9.12.4(a) and add the following subsections:

9.12.4(b) Notwithstanding subsection 9.12.4(a), if the Mayor is invoking Strong Mayor powers within Part VI.1 of the Municipal Act for Council to consider and vote on a particular by-law, the Mayor shall be the mover and no seconder shall be required.

9.12.4(c) Notwithstanding subsection 9.12.4(a), if the Mayor is invoking Strong Mayor powers within Part VI.1 of the Municipal Act for Council to consider a matter, the matter may be dealt with as the Committee or Council sees fit through the normal course of a mover, seconder, and voting on a motion.

3.3.3 Notwithstanding any requirement for the Mayor to leave the Chair to introduce a motion, this does not apply when the Mayor is introducing a motion under the Strong Mayor powers within Part VI.1 of the Municipal Act.

22. This by-law shall take effect on the date of passing.

Passed in Open Council this XX day of MMMM, 2024.

Adrian Foster, Mayor

June Gallagher, Municipal Clerk

If this information is required in an alternate format, please contact the Accessibility
Co-ordinator at 905-623-3379 ext. 2131

The Corporation of the Municipality of Clarington

By-law YYYY-NNN

Being a by-law to confirm the proceedings of the Council of the Municipality of
Clarington at this regular meeting held on DATE.

Whereas Part 1, Section 11 of the Municipal Act, 2001, as amended, states that a
municipality may pass by-laws respecting matters which are within the spheres of
jurisdiction approved by the Province;

Now therefore the Council of the Municipality of Clarington enacts as follows:

1. The actions of the Council of the Municipality of Clarington at this regular
meeting held on DATE, in respect of each recommendation contained in the
minutes of the Committees and each motion and resolution passed and other
action taken by the Council of the Municipality of Clarington at this meeting, is
hereby adopted and confirmed as if all such proceedings were expressly
embodied in this by-law.
2. The Mayor and proper officials of the Municipality of Clarington are hereby
authorized and directed to do all things necessary to give effect to the actions of
the Council of the Municipality of Clarington referred to in the preceding section
hereof.
3. The Mayor and Municipal Clerk are authorized and directed to execute all
documents necessary in that behalf and to affix thereto the seal of the
Corporation of the Municipality of Clarington.
4. For the purposes of the exercise of the authority of the head of council to veto a
by-law in accordance with section 284.11 of the Municipal Act, 2001, as
amended, this Confirming By-law shall be deemed to be separate Confirming By-
laws for each item listed on the meeting agenda.

Passed in Open Council this DD day of MMMM, YYYY.

Adrian Foster, Mayor

June Gallagher, Municipal Clerk

Written approval of this by-law was given by Mayoral Decision MDE-YYYY-NNN dated
MMMMMM DD, YYYY.