



Staff Report

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

Report To:	General Government Committee		
Date of Meeting:	April 19, 2021	Report Number:	LGS-017-21
Submitted By:	Rob Maciver, Director of Legislative Services		
Reviewed By:	Andrew C. Allison, CAO	Resolution#:	GG-337-21, GG-355-21, GG-393-21,
File Number:	C-211,212,216,217,218-21		
Report Subject:	Procedural By-law Review	By-law Number:	2021-054

Recommendations:

1. That Report LGS-017-21 be received;
2. That the By-law attached to Report LGS-017-21 as Attachment 5 to Report LGS-017-21, repealing and replacing Clarington's Procedural By-law 2015-029, be approved; and
3. That Staff be directed to prepare a report recommending the new meeting schedule to reflect the changes approved in the new Procedural By-law, effective September 1, 2021.

Report Overview

To improve efficiencies related to Council and Committee meeting management, to provide for more timely flow of communications, and to maximize the use of technology, it is recommended that the Procedural By-law be repealed and replaced with the attached draft by-law.

1. Background

Existing By-law

- 1.1 Arising out of [Report CLD-006-15](#), the current [Procedural By-law 2015-029](#) was passed in June, 2015. At the time of passing, the by-law maintained sections of the governing Procedural By-law while incorporating changes which ensured the by-law met, and reflected, the needs of the Council at the time. Since that time, the By-law has been amended eleven times.
- 1.2 While much of the existing Procedural By-law continues to reflect the current needs, the following areas in need of review:
 - provide for more timely flow of communication,
 - ensure that we are accountable and transparent to the public in meetings and actions,
 - more accurately reflect the past/current practice of Council,
 - improve efficiencies to provide for more productive meetings, and
 - recognize the use of current, and emerging, technology.

Principles

- 1.3 The review of the Procedural By-law and the identification of opportunities for improvement are based on the following principles:
 - meetings of Council and Committee are limited to the business within their statutory rights and obligations,
 - balance debate with the need to make recommendations and decisions in a timely manner,
 - provide for the hearing/consideration of input from interested parties in a pragmatic way,
 - provide for open and transparent governance; and

- the business of Council is conducted by all participants with efficiency, respect, and courtesy.

Other Municipalities

- 1.4 As part of this review, the Procedural By-laws of all the Durham area municipalities, including the Region of Durham's, were reviewed. Additionally, reviews were made of other municipalities' by-laws, for specific aspects (such as Vaughan, Oakville, Stratford, Burlington, Guelph, and Windsor).

2. Chair

- 2.1 The current Procedural By-law contains a provision for the Chair to leave the chair and "call upon" another Member to take the Chair:

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.

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.

To allow more flexibility, and to provide clarity, Staff are recommending the above sections be replaced with the following:

If the Chair desires to leave the chair to leave the meeting, to move a motion, or to take part in the debate, the Mayor shall preside until the Chair resumes the chair. If the Mayor is chairing the Committee meeting, the Deputy Mayor shall preside until the Mayor resumes the Chair. If the designated person is not present, the Chair may call upon any other Member to chair the meeting.

3. Meetings

Meeting Schedule

3.1 When the new Standing Committees were introduced, in 2015, by [Report CLD-012-015](#), Clarington changed to a three week rotation of GGC, PDC, followed by Council, throughout the year. The concept of a “gap week” was eliminated and anytime a meeting fell on a statutory holiday, the meeting was scheduled for the next business day. This has resulted in more meetings involving more time for Staff and Members of Council and some overlap with Regional meetings. In addition, it is more difficult to get minutes and agendas out for short weeks.

3.2 The following table shows the number of meetings, including special meetings, over a period of years:

Meeting Type	2016	2017	2018*	2019	2020	2021** Currently (No Gaps)	2021 ** Proposed (With Gaps)
GGC – includes Special and Joint	17	16	13	19	17	16	15
PDC including Special	17	16	11	13	13	13	12
Council including Special	17	16	13	16	15	14	12
TOTAL	51	48	37	48	45	43	39

*NOTE – 2018 was an election year, which always has fewer meetings.

**NOTE – 2021 will be showing as slightly less because it does not include adhoc Special meetings that happened throughout the previous years.

3.3 It is hoped that, with the changes proposed in the new Procedural By-law, meetings will be shorter and therefore we can reasonably change to fewer meetings and introduce “gap weeks” again where, if the regular meeting date falls on a public holiday, the meeting shall, beginning in September, 2021, be scheduled on the following week and all subsequent meetings shall be moved forward a week.

3.4 Additionally, Staff are recommending the removal of wording that “one meeting shall be scheduled on the first Monday of July” as this typically surrounds a statutory holiday and may result in the schedule not ending in a Council meeting before summer recess. This change will provide flexibility when setting the meeting schedule.

- 3.5 This would also better reflect the practice, within Durham Region, where Committee meetings are on the 1st/2nd week of the month and the Council meeting is on the 3rd/4th week resulting in three meetings per month. Pickering goes a step further and has both committee meetings on one day and the Council meeting on another week, but Staff are not recommending this as it would not achieve the goal of shorter meetings.

Start Times and End Times for Night Meetings

- 3.6 Clarington night meetings have commenced at 7:00 pm since 1973. However, recently the meetings have been going late into the night which may not be conducive to good decision making. Therefore, Staff are suggesting that the start time for night meetings (i.e. PDC and Council) be 6:30 pm and the curfew be changed from 11:00 pm to 10:30 pm. Attachment 1 shows the start times for each of the area municipalities.
- 3.7 Additionally, there has been concern expressed regarding the low threshold to adhering to the adjournment times (2/3 majority), so Staff are recommending changing this such that the rules of procedure will need to be suspended (3/4 majority).

Invalidate Holding, Proceeding, or Decision

- 3.8 The current Procedural By-law does not include any indication to protect against invalidation of processes regarding notice, so Staff are proposing to add the following paragraph, which is similar to the Region of Durham By-law:

Any omissions, or failure to strictly comply, with this By-law or any other municipal legislation (including any notice which is substantively given but is irregular) will not invalidate the holding of a meeting or any proceeding or decision taken at the meeting.

Public Meetings Under the Planning Act

- 3.9 Since Clarington holds their public meetings as part of a longer Planning and Development Committee meeting, we often find ourselves with a public meeting, which includes presentations, delegations, and consultants, but the corresponding report (and possibly communication items) is not considered until later in the meeting during the Reports section of the Agenda. The result is that the public often need to wait until later in the meeting for the report to be considered OR Committee alters the agenda to move up the Report and any communications.

- 3.10 To provide for a smoother meeting, and to allow all items related to the public meeting to be dispensed with at the same time, Staff are recommending the following be added:

After the Public Meeting has concluded, any related communications and the related report will be considered as determined by the Chair, without a need to alter the agenda.

- 3.11 The above direction will also allow, as much as possible, the Municipal Clerk to group related Public Meeting items together on the agenda. Additionally, in order to reduce the number of pieces of correspondence going to a Public Meeting, Staff will, wherever possible, send the correspondence to the Planner who will either summarize it in their report; or the Staff presentation. Additionally, any correspondence received between the Public Meeting and Council, related to a Public Meeting where the Committee recommendation is to “receive and consider comments from the public and Council”, will also be forwarded to the Planner for inclusion in their next report.
- 3.12 Since there is no limit on the number of Public Meetings held at one meeting, this often results in different groups of interested parties attending the same meeting, making for a long meeting for the groups. Staff are proposing to adopt the approach of other municipalities and limit the number of Public Meetings to a maximum of two per meeting, unless agreed upon between the Municipal Clerk and the Director of Planning and Development, which may also include Special PDC meetings.

Agenda Restrictions

- 3.13 Currently there are no rules, in the Procedural By-law, on agenda items which should be restricted (other than ultra vires items, enforcement items, and Committee mandate). The Clerk has used best judgement in the past – but with the amount of items coming forward, Staff are seeking direction/rules to rely on. In reviewing other municipalities’ Procedural By-laws, they usually have a set of rules that restrict certain agenda items.

- 3.14 Therefore, Staff are recommending the addition of the following section:

The Municipal Clerk shall refuse to place on the agenda, and in an ECCIP, an item where the subject matter:

- a) Involves current or pending litigation;
- b) Involves insurance claims;
- c) Involves personnel matters;
- d) Involves labour relations;

- e) Involves administrative complaints;
- f) Is beyond the jurisdiction of Council;
- g) Is contrary to the provisions of the Municipal Freedom of Information and Protection of Privacy Act or other relevant legislation;
- h) Involves solicitation of business;
- i) Involves political parties; or
- j) Otherwise not suitable for discussion.

Agenda Publishing

- 3.15 There has been a suggestion that we publish the agenda a full week earlier than currently. Until a few years ago, we used to publish agendas on a Friday but regularly were able to publish on Thursday (although the Procedural By-law was not changed to allow this), then we moved it to the current Wednesday/Thursday deadline so that Council Members and the public would have more opportunity to review the agenda.
- 3.16 The difficulty with this proposed approach, of moving it up a whole week, is that most of the reports/items are time sensitive which would result in more items going on the agenda update (published on Friday). These would typically be the items of the most importance and there would not be the expected gain. Additionally, some of the staff reports/memos arise from Committee meetings for the Council meeting and there would not be enough time between the meeting and the new/earlier agenda publication. There are certain reports (typically draft planning reports) that are circulated to interested parties prior to the agenda publication. For these reasons, Staff are not recommending a move to an earlier agenda publishing. However, Staff are recommending updating the Procedural By-law to change the agenda deadline from Friday to Thursday to reflect current practice.

Agenda Update Deadline

- 3.17 The current Procedural By-law has been silent on the deadline for the Agenda Update (the one that happens on Friday). With several of the current changes referencing this deadline, Staff are recommending that it be set at “one hour prior to close on business day preceding” with the assumption that it will be published shortly after “15 minutes prior to close on the business day preceding” which has been the current practice. This allows staff time to enter the changes; make any accessible document changes; and obtain answers to questions if necessary, without incurring overtime.

4. Pre-Business Matters on Agenda

Pecuniary Interest

- 4.1 Although the Procedural By-law has the following subsection to speak to declaring on the confirming by-law, it does not have a section speaking to minutes where the Member declared at the meeting:

“...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.”

- 4.2 Therefore, Staff are recommending the addition of the following:

“Further, if the Member declares on a matter at a meeting and at a subsequent meeting the minutes of the entire meeting are considered, the Member’s declaration is understood and the Member may participate in the vote on adopting the minutes and is not required to submit another declaration of interest form, provided that the matter the Member declared on is not further discussed or amended in any way.”

Announcements

- 4.3 Arising out of a concern about the length and number of announcements which take place at Committee and Council meetings, and in the interest of shorter meetings, Staff are recommending that announcements be limited to activities and events within one week of the meeting, unless a regular Council / Committee meeting is not scheduled within one week.

5. Communications

Communications - General

- 5.1 Over recent years, Council has provided Staff with the following direction, by resolution, in an attempt to limit the correspondence considered by Council:

- Correspondence must “directly relate to Clarington”
- Correspondence must include the author’s name and address

- 5.2 The Municipal Clerk walks a fine line of “too much correspondence on agendas” versus “not providing Council with needed information”. Correspondence of a routine administrative nature is referred to the appropriate Department. One concern of Staff’s is that the above direction, which states that it must be “directly related to Clarington” may mean that Council will not take action on broader issues and opportunities to support resolutions from other municipalities. Examples of this are recent resolutions from other municipalities related to COVID issues (i.e. urging the Province to provide support for sick leave; open small business; etc.), that were not placed on an agenda. Similarly, there are items that are clearly just for information that are forwarded to Members of Council via email, such as Region notices about street construction, because they do not require Council’s action.
- 5.3 Other correspondence items that no longer appear on agendas include association correspondence, such as the Association of Municipalities of Ontario (AMO), the Federation of Canadian Municipalities (FCM), the Association of Municipal Clerks and Treasurers of Ontario (AMCTO) which may contain information about upcoming provincial and federal legislation. Attachment 2 provides examples of some of the correspondence that is not forwarded to Members of Council or placed on an agenda.
- 5.4 We understand that constant emails coming to Members of Council may be difficult for a Member to manage and there may be instances where a Member would want to bring forward the correspondence to a Committee meeting.

Communications - Electronic Council Communications Information Package (ECCIP)

- 5.5 There is currently no mechanism in place to handle this, however Staff are proposing a plan for an Electronic Council Communications Information Package (ECCIP). Staff would gather the correspondence relevant to Council and provide it as one electronic package once per week, by Friday at noon. Members could then review the package and, if there are any items that a Member would like to move a motion on (i.e. endorse), then they would notify the Municipal Clerk, by the Agenda deadline, who would add it to the next appropriate agenda. For clarity, it should be noted that the items would not be placed on the agenda three calendar days from the Friday, but rather the next appropriate Committee or Council agenda.
- 5.6 The ECCIP may include notices of development applications, liquor licence applications, planning notices of adjacent municipalities, correspondence from other levels of government, crown corporations, agencies, boards, or provincial/federal associations engaged in municipal matters, responses from individuals/organizations arising out of Council correspondence to them, or general information to Council. Staff reports, Advisory Committee reports, and reports required to be presented to Council (i.e. Ombudsman, Integrity Commissioner, etc.) would not be included in the ECCIP and would continue to be included in Agendas.

- 5.7 This approach is an extension of the Council direction in approving the 2015 Procedural By-law which added the following as part of the resolution:

That correspondence received from other municipalities requesting endorsement/consideration of a resolution be copied to each member of Council and shall only be considered by Council at the request of a Member of Council or the CAO, in accordance with the Procedural By-law.

- 5.8 This approach is similar to the approach of the Durham Region, Vaughan, Oakville, Windsor, Burlington, Oshawa, Pickering, and Whitby. Staff are currently working out the logistics of the ECCIP but anticipate that it will be posted to www.clarington.net/calendar webpage, similar to agendas and minutes and subscribers would be notified when it is published. It is anticipated that this practice of distributing the ECCIP would continue through the summer hiatus, where warranted.

- 5.9 To achieve this change, Staff are recommending the addition of the following to the Procedural By-law, which is very similar to the Region of Durham:

The Municipal Clerk shall prepare an Electronic Council Communications Information Package (ECCIP) containing correspondence received by Staff for Council's information.

The deadline for information to be included in the ECCIP is end of day Thursday.

The ECCIP shall be delivered electronically every Friday.

A Member of Council may request, in writing to the Clerk, including the Member's motion for the disposition of the item, that an item from the ECCIP be included on the next agenda of the appropriate Committee of Council, as determined by the Clerk.

The item will be included on the agenda of the appropriate Committee of Council if submitted to the Clerk prior to the Agenda Deadline and if it is not restricted under Section 2.5. For clarity, this will not be the meeting three calendar days from when the ECCIP was published, but rather a future meeting.

- 5.10 It is not to say that all the items listed on Attachment 2 would have been placed on an ECCIP, but it allows staff more flexibility in what is forwarded to Council.
- 5.11 Accordingly, since most of the "information items" will be provided in the ECCIP, and since the current by-law does not specify that the Communications items need to be divided by information items versus action items, and to allow for one less resolution required in a meeting, Staff will only have one "Communications" section on the agenda but will continue to provide a suggested motion where applicable.

Communications – Disposition

- 5.12 Staff are also recommending including clarity on how Council’s decisions are communicated (i.e. forwarded to associations and other municipalities, as well as residents) to formalize current practice, as follows:

When considering the disposition of items related to:

- a) Provincial legislation, Council’s position shall be forwarded to the Association of Municipalities of Ontario (AMO) for review and consideration.
- b) Federal legislation, Council’s position shall be forwarded to the Federation of Canadian Municipalities (FCM) for review and consideration.
- c) Forwarding Council’s decision to all Ontario Municipalities, Staff shall forward to the Association of Municipalities of Ontario (AMO) for review and consideration and not to all municipalities.

When Council only receives a correspondence item for information, no correspondence shall be sent to the submitter.

Communications - Delegations and Their Related Correspondence

- 5.13 Currently, if a delegation has related correspondence, these are listed as two different items and the delegation may have to wait until the correspondence is considered, unless a Member moves a resolution to alter the agenda and “move up the correspondence”.
- 5.14 In an effort to make meetings more efficient, and to make it easier on delegations to find out the disposition of the matter, and with the automation provided with the eSCRIBE software, Staff are recommending that the related correspondence be listed with the delegation and therefore both will be considered at the same time following the delegations. Staff made this change beginning in January, 2021 as a pilot project. Staff believe that it has proved useful so recommend continuance of the practice.
- 5.15 In order to officially make this change, Staff are recommending the deletion of the following wording from the Communications subsections of the By-law:

“shall be listed under the heading ‘Communications’ on the agenda”.

Communications - Petitions

5.16 Currently, subsection 9.1.3 states:

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.

5.17 Although the above section provides a process for delegations with petitions, there is nothing else in the procedural by-law that addresses petitions in general (i.e. if it doesn't accompany a delegation). For clarity, Staff are recommending that the above words related to petitions be deleted out of the "Delegations" section and create a new definition and a new section, "Petitions" as follows:

Petition means a legibly written/typed document requesting Committee's/Council's consideration of a matter that contains more than ten signatures.

An organizer of a public petition may submit the petition for inclusion on the appropriate Committee agenda. That organizer shall provide their name, address email, and telephone number with the petition. No petition shall be considered valid and accepted by the Municipal Clerk without the name and contact information of the organizer.

Any communication with respect to the petition will be with the organizer of the petition only.

Petitions shall contain the printed name, signature, and municipal address of the individuals signing it. Signatures without contact information, or who are not Clarington residents, shall be redacted by the individual or group submitting the petition, or it will not be accepted by the Municipal Clerk, nor placed on an agenda.

The Municipal Clerk shall refuse to place a petition on the agenda where the subject matter:

- a) Does not meet the Communications criteria as outlined elsewhere in this By-law;
- b) Involves matters listed in section 2.5.

Signatories to a petition are deemed to have waived any expectation of privacy as a result of the record being created for review by the general public.

Petitions may be placed on agendas at the discretion of the Municipal Clerk, including the summarizing of the petition and numbers of signatories.

Communications – Referred

- 5.18 In recent years, there have been many instances where there are one or more communications items referred to a Report, then the Report was referred to a future meeting. The Procedural By-law is silent on this matter and Staff are left with the decision on whether, or not, to “drag the correspondence along with the Report”. To clarify this, and in the interest of smaller agendas, Staff are recommending the addition of the following to the Procedural By-law:

If communications items, or delegations, are referred to another Agenda item, which is subsequently referred to a future meeting, there is no need to include the communications items, or delegations, in the Agenda of the subsequent meeting.

Communications – Staff Communications

- 5.19 There is currently no Agenda section for “Staff Communications”, only Staff Reports. However, there is often no need for a full report, when a simple memo will suffice. Therefore, Staff are recommending that, the section for “Staff Reports” be changed to “Staff Report(s) and Staff Memo(s)”.

6. Presentations and Delegations

Definition of Presentations

- 6.1 The following is the current Presentation section of the Procedural By-law:

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.

- 6.2 There was a concern expressed that it may not be a good use of Council's time to listen to "information presentations", which may be prolonging meetings. To address this concern, Staff are recommending that "Information presentations" (i.e. not seeking a resolution or direction from Council), not requested by Council or Staff and that are described by sub-section (c) above, must submit a written summary of their presentation to be included in the ECCIP. Should any Member of Council wish to hear the presentation, the presentation can be placed on a future agenda. It should be noted that this will delay the information being presented to Council.

Combining Presentations and Delegations

- 6.3 Over the years, the Procedural By-law has changed with respect to the placement of delegations and presentations on the agenda. The most recent change was to ensure that delegations came ahead of presentations (so that the public didn't have to wait through presentations). There have always been competing needs between delegations and presentations and where they are placed on the agenda. Oftentimes, they are moved around, during the meeting, in order to accommodate these needs.
- 6.4 In order to streamline the meetings, and to give more certainty to delegations and presentations on when they might be heard, Staff are recommending that the sections of Delegations and Presentations be combined and that the order, listed on the agenda, be determined by the Municipal Clerk, depending on the topics. For instance, there may be a presentation from the Region which has related delegations. These could all be listed following each other rather than delegations under one section and presentations under another section.

Restricted Topics for Delegations

- 6.5 Currently the only requirement for a delegation is that the item must appear on the agenda for the meeting that deals with the matter under its mandate. This could lead to delegations appearing at Council on matters which are being handled in a different method. Upon reviewing some other municipalities' by-laws, Staff are recommending that the following be added:

"Persons desiring to verbally present information on matters of fact, or to make a request to Council, shall give notice, including the subject of their address and their desired action requested of Council, to the Municipal Clerk by the Agenda deadline.

Delegations that relate to matters described in section 2.5."

Deadline for Delegations

- 6.6 The current Procedural By-law requires that delegations shall notify the Municipal Clerk no later than 15 minutes prior to close of business on the Friday preceding the meeting. This has always cut it close because Staff are required to send out an updated agenda 15 minutes prior to close of business, but we are further compounded recently with the implementation of electronic meetings. When we add a delegation, we need to send them the link and we offer to do a test for them to become familiar with participating in an electronic meeting, all of which requires time, and the same Staff person is responsible for these tasks. As a result, Staff are recommending that the deadline be moved up to be “one hour prior to close of business on the business day preceding the meeting” (which is the proposed Agenda Update deadline) but delegations are encouraged to register prior to noon on the Wednesday prior to the meeting to be included in the published agenda.
- 6.7 There have been instances where a delegation at Committee registers after the publication of the initial agenda, on a matter not before Committee. This results in a “surprise” matter appearing on the update agenda on Friday afternoon, which does not provide enough notice to other residents that Committee may be considering a matter. In order to provide this notice, Staff are recommending the following be added to the Procedural By-law (similar to how the Region handles delegations):

“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 by the Agenda Update Deadline for the appropriate Standing Committee.

Where a delegation request is received after the Agenda Deadline and the matter **is not included** on the agenda for the meeting, then the request will not be placed on the immediate agenda but rather would be a future Agenda of the appropriate Standing Committee.

A delegation, not listed on the agenda, shall not be heard without the consent of at least 2/3 majority of the Members present and shall be pertaining to an item listed on the Agenda.”

Notification to be Listed as Delegation at Public Meeting

- 6.8 The current Procedural By-law states:

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.

- 6.9 Given the recent changes made to accommodate electronic participation, Staff are suggesting that the following changes be made to the above section:

Replace:

“not required to give written notice”

With:

“not required to give notice, unless it is required as part of electronic meeting participation procedures as set out by the Municipal Clerk”.

Deadline for Electronic Presentations

- 6.10 Currently Delegates or Presenters with electronic presentations have until “close of business the Friday preceding” to provide their presentations. However, this leaves it too close to the end of business day (when staff are also trying to get out an update to the agenda), which does not allow for extra time should there be a technical problem with the presentation (or if it is not accessible). Additionally, if the meeting is not on a Monday, specifying Friday is not applicable. Therefore, Staff are recommending the following change to the Procedural By-law:

“Presentations must be provided to the Municipal Clerk’s Department no later than close of business the Friday preceding the commencement of the Meeting.”

Be replaced with the words:

“Presentations must be provided to the Municipal Clerk’s Division no later than 2:00 pm on the business day preceding the commencement of the Meeting.”

Length of Delegations & Presentations

- 6.11 Currently delegations are limited to ten minutes. This was a change from the previous five minutes. There has been some suggestion from Members of Council that delegations be changed back to five minutes.
- 6.12 Attachment 3 is a summary of the length of time given for delegations and presentations by each of the Durham Area municipalities.
- 6.13 Staff are concerned about this change as often the ten-minute time limit is extended by Members suspending the rules, however given the fact that the majority of Durham Region is five minutes, including the Region, and that it furthers the goal of smoother, shorter meetings, Staff are recommending a change to five minutes in the hopes that it will make meetings more efficient.

- 6.14 Similarly, since Clarington's Procedural By-law has been silent on a speaking limit for Presentations, Staff are recommending that the limit be set at 10 minutes, which is in line with the majority of Durham Region area municipalities.
- 6.15 Additionally, a concern was raised about delegations/presentations not directly answering questions asked by Members. To address this problem, Staff are recommending the addition of an item under "Conduct of Delegations and Presenters", as follows:

".....shall not:

deviate from answering directly when answering a question.

Asking Questions of Staff during Presentations/Delegations and Elsewhere in Agenda

- 6.16 There appears to be a perception that Members of Council cannot ask Staff questions during delegations or presentations. This could lead to misinformation during the question period and other times during the meeting. However, the current Procedural By-law does contain a section which states that, when a Member is recognized, they may ask questions of any Member, CAO, or Department Head (or designate) but only for the purpose of obtaining information.
- 6.17 Further, for other Members of Council, there is a concern that the above existing section allows questions to be asked regarding any matter. Therefore, in the interest of keeping the meeting limited to the matters on the agenda, Staff are recommending that the following wording be added to the end of the above referenced section:

"on matters contained on the Agenda."

Delegations Speaking to Another Delegation

- 6.18 The current Procedural By-law contains the following within the delegation section:

"No further delegations may be made in respect of a delegation placed on an agenda in accordance with this subsection."

- 6.19 This section is quite ambiguous, so Staff are suggesting that, for clarity, the following be added to the above section:

"For clarity, a delegation cannot be a delegation to another delegation as a way of circumventing other rules outlined in this by-law.

Delegations Speaking to the Same Matter Twice

- 6.20 The current Procedural By-law is silent on whether a delegation can speak to the same matter twice in the same meeting. We have had instances where a delegate wishes to speak on Matter A at the Public Meeting; and also register as a delegation to speak on Matter A at the same Planning and Development Meeting. In order to clarify this, Staff are recommending that the following be added to the Procedural By-law:

“No delegation may speak to the same matter twice within the same meeting.”

Disposition of Delegations and Presentations

- 6.21 There was a suggestion that we remove the requirement to dispose of delegations and presentations by not moving a motion to “receive for information” or “receive with thanks” in order to shorten meetings. However, there are several reasons for keeping this practice. It allows the delegation/presenter to understand that their delegation has come to an end, and that they have been heard. Additionally, it adheres to the concept of Committee/Council “considering” each item on the agenda (i.e. there is no ambiguity in the minutes). Most importantly, it provides direction to staff on whether to send a communication to the delegation/presenter. If the resolution is “receive for information”, no communication will be sent. If the resolution is “receive with thanks” a letter containing the resolution and thanking the delegation/presenter will be sent.
- 6.22 However, there is no need to move a motion when the delegation/presentation pertains to another matter, yet to be considered, on the current Agenda (i.e. it is understood that the decision on the delegation/presentation will be made when the related item is considered). The current Procedural By-law outlines how to dispose of a delegation and Staff believe no further clarification is required:

“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.”

- 6.23 Staff are recommending that the above wording remain and Members are reminded that if a delegation is present regarding another matter on the agenda, there is no need for a motion about that delegation as their delegation is deemed to have been considered during the disposition of the other matter.

7. Committee Reports

- 7.1 The Committee Report is a report from the Standing Committee (General Government or Planning and Development), which details the recommendations of the Committee and is formatted such that any decisions requiring Council's approval are reported. Currently, there is no clear direction, within the Procedural By-law, as to what is required to be a part of a report from a Standing Committee although the Municipal Clerk follows general guidelines for what is included in the Committee Report and incorporated them into a Department Procedure. The Procedure states that all resolutions passed at the Committee level must be ratified by Council to be acted upon. The exceptions to this requirement are procedural motions (altering the agenda, recess, suspend, rise and report) and resolutions which refer or postpone a matter. If a resolution was amended, the complete resolution, including amendments, is placed on the Committee Report.
- 7.2 Even through the implementation of the eSCRIBE software, there is no way to automate the creation of the Committee Report. It is time consuming, and sometimes double work (i.e. if a mistake is found in the minutes, it also needs to be corrected in the Committee Report). The Deputy Clerk reviews the minutes then the Committee coordinator must copy and paste the resolutions from the minutes into the report template taking care to ensure all amendments are incorporated correctly. Then the Deputy Clerk reviews the Committee Report for accuracy, comparing it against the minutes. The Committee Report goes to Council for approval. The Committee minutes go to the next Committee meeting for approval.
- 7.3 In an effort to improve efficiency and to reduce duplication of effort, Staff are recommending that the Committee minutes go directly to Council for Council approval (i.e. no need for a Committee Report and no need for the minutes to be considered at the next Committee meeting). Staff recognize that part of the reasoning behind the current Committee Report is to "boil down the resolution" so that it includes any amendments for clarity. To that end, Staff are recommending that the minutes include a summary of recommendations, including amendments, at the end of the item for resolutions that have amendments.
- 7.4 For instance, instead of saying, "The foregoing resolution was then put to a vote and carried as amended.", it would say "The foregoing resolution was then put to a vote and carried as amended, as follows: xxxxxx", and this would be followed by the resolution being displayed in full.
- 7.5 The Council resolution would be similar to "That Committee recommendations be approved and the minutes of the Committee meeting dated March 2, 2021 be adopted as printed."

- 7.6 This change would also provide clarity to Staff and the public in understanding, from the minutes, the final recommendation. The result would be one less step for both the Committee Coordinator and the Deputy Clerk.

8. Rules of Debate and Conduct

Questions by Members

- 8.1 A suggestion was made that Members be allowed to “ask as many questions as they like” on a matter at Committee. The suggestion is centred around removing the need to suspend the rules to allow a Member to speak to a matter for a second/third time around. This suggestion goes against one of the concerns, that was expressed by others, that there is too much discussion on a matter which leads to longer meetings.
- 8.2 The current by-law contains the following wording:
- “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.”
- 8.3 Currently, should a Member wish to speak further, Council/Committee has been suspending the rules to allow this (requiring a $\frac{3}{4}$ majority vote).
- 8.4 Staff have reviewed other Municipality’s Procedural By-laws and found similar wording to the above for speaking at Council meetings, including the Region of Durham which has the exact same wording but only for the Committee of the Whole, whereas Clarington uses it in both Committee and Council.
- 8.5 To address the suggestion, and to make it less onerous for a Member to speak a second time on a matter before Committee, Staff are recommending that the following wording be added to the existing subsection to clarify that “without leave of Council” can be done by a simple majority:

“No Member shall speak more than once to the same question without leave of Council or Committee, as the case may be, **by a simple majority**, 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.”

Motions - Business Arising from Procedural Notices of Motion

- 8.6 For clarity, and to avoid duplication with the notice subsection, Staff recommends that Business Arising subsection be changed from:

“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.”

To:

“A Procedural Notice of Motion where notice has been properly given in accordance with subsection XXX, shall be listed on the agenda for the Meeting, and may be dealt with at that meeting.”

Motions - Consent Resolutions

- 8.7 Although Committee and Council regularly use the concept of a “Consent Agenda” when moving resolutions that deals with more than one agenda item at the same time, this concept has not been outlined, or defined, in the Procedural By-law. Therefore, for clarity, Staff are recommending the addition of a new definition and a new section, as follows:

“Consent Resolution” means two or more items that are approved in a single motion without debate subject to the agreement of the majority of Members.

Should a Member wish to discuss an item on a consent resolution, including with a change to the recommended motion, they would request the item be “pulled” from the consent resolution and that item would be discussed separately.

Should a Member have a pecuniary interest in an item on a consent resolution, the item shall be removed from the consent resolution and dealt with separately.

Should a Member wish to simply discuss an item on a consent resolution, but not change the recommended motion, the Member may do so without “removing” the item from the consent resolution.

- 8.8 A concern was raised regarding the need for “individual motions for items that are simply referred to another item on the agenda”. Given that the above codifies the current practice of consent resolutions, Staff believe this concern has been addressed. However, Staff will endeavour to “add related items” together on agendas so that fewer items are considered. For instance, if there are communication items related to a report or Advisory Committee minutes, Staff will endeavour, where possible, to add the communication item to the related item on the agenda. This is a practice that Staff have started recently and we believe it has been effective.

Motions – to Divide

- 8.9 The current Procedural By-law only gives the following direction regarding motions to divide:

“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.”

- 8.10 There is sometimes confusion as to what is being voted on and whether a mover and seconder is needed for the part that is divided out. To provided clarity, Staff are recommending the following wording be added:

“For clarity, a motion to divide shall be handled as follows:

- a) Original motion is duly moved and seconded;
- b) Mover and seconder for a motion to decide whether to divide ABC from the motion;
- c) If the motion to divide passes, the Chair calls the vote on the balance;
- d) A new mover and seconder is required to move ABC and the Chair calls the vote on ABC.

Motions – In Writing

- 8.11 Currently, the Procedural By-law prescribes that, except for procedural motions, all motions at a Council meeting must be in writing. For Council meetings, this tends to result in extra work and bureaucracy for Staff to prepare and distribute standard resolutions (i.e. adopting minutes; approving reports from Standing Committees; and passing by-laws). In order to streamline the process, Staff are proposing that the Chair will call for a mover and seconder for these motions during the meeting.

Motions – Refer

8.12 The current Procedural By-law states:

“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.”

8.13 Although this subsection makes it clear that the referral motion takes precedence, it is not clear on whether a referral can be on an amendment only; and whether the referral of an amendment or main motion also automatically refers the other. For clarity, Staff are recommending the addition of the following:

“A motion to refer a matter where an amendment is currently under consideration, shall be considered a motion to refer the original matter and any amendments that have been put to a vote, and shall include an amendment that has not yet been decided.”

Motions – Tabling Motion

8.14 In the past, there has been some ambiguity about the use, and lifting, of tabling motions. Clarington Council has been using tabling and referring somewhat interchangeably. However, a tabling motion comes with the notice provisions that sometimes bogs down meetings. To avoid this, Staff are recommending that a tabling motion only be used if the intention is to table a matter indefinitely. If the intention is to consider the matter at a future time, a referral motion should be used.

9. Procedural Notices of Motion and Notices of Motion

9.1 A suggestion was made to remove “notices of motion” and to allow New Business items to be introduced, at Council, without prior notice and reference was made to previous Municipal Clerk’s reports regarding the same matter.

9.2 Clarington has Procedural Notices of Motion (to deal with rescind and reconsideration type of motions) and New Business, which was originally called Notices of Motion and is now New Business. The concept of calling it “Notices of Motion” relates to a Member being required to submit a Notice of Motion to introduce new business at the next meeting of Council. For discussion on New Business, see the “New Business” section of this report. The following is a discussion on Procedural Notices of Motion.

9.3 Staff have summarized how the Durham Area Municipality’s handle procedural notices of motion in Attachment 4.

Mover or Secunder Not Present

- 9.4 The current Procedural By-law is silent on whether the Member needs to be present when the procedural notice of motion is considered. For clarity, Staff are recommending the addition of the following:

“The Member who moved, or seconded, the procedural notice of motion is not required to be present when the related procedural notice of motion is considered. However, a new mover or secunder will be required for the notice of motion to be in order.”

Original Motion has been Implemented

- 9.5 The By-law is also silent on whether a motion to reconsider, or amend, is always in order. For clarity, Staff are recommending the addition of the following, which is wording that is used in Waterloo:

“No motion to reconsider, or amend, a decided matter of Council shall be in order when the original motion has been implemented resulting in a legally binding commitment that is in place on the date that a motion to reconsider, or amend, is to be debated.”

Tabling

- 9.6 The current By-law states that the procedural notice of motion “shall be given to the Municipal Clerk, in writing from the mover and secunder at a meeting of Council....”. However, the current accepted practice is such that, if a resolution of Committee or Council indicates that a matter be tabled to a future meeting, the Municipal Clerk deems that the Council minutes satisfy the ‘in writing by the mover and secunder’ portion. Staff are recommending wording changes to be in line with the current practice.

Including the New or Amended Motion

- 9.7 Similarly, the By-law is silent on whether the new, or amended motion, needs to be contained within the Procedural Notice of Motion. Staff are recommending that the new, or amended motion, be contained in the written Procedural Notice of Motion for reconsideration or amending something previously adopted by Council.

Procedural Notices of Motion Initiated by Members

- 9.8 Currently subsection 7.13, regarding Procedural Notices of Motion, only allows for certain types of motions (i.e. tabling, rescinding, reconsiderations, etc.) to start with a motion from a previous Council meeting. However, in practice, these motions have been allowed as long as they are on the agenda, with a mover and seconder (this satisfies the need for transparency). Staff are recommending wording changes to be in line with the current practice.

More Notice

- 9.9 For clarity, and to be in line with the current practice, Staff are recommending that the Procedural By-law be changed as follows:

FROM

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.

TO

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, shall be given to the Municipal Clerk including the date when it will be considered in writing, from the mover and seconder, prior to the Agenda deadline.
2. Where a Procedural Notice of Motion has been given under subsection 1, for a “motion to amend something previously adopted by Council” or a “reconsideration”, the details of the amendment and proposed new resolution for a reconsideration respectively shall be included in the Procedural Notice of Motion.
3. Where a Procedural Notice of Motion has been provided to the Municipal Clerk in accordance with the notice provided, prior to the Agenda Deadline, it shall be placed in the “Business Arising from Procedural Notices of Motion” section of the Council Agenda.

Reconsideration

- 9.10 There was a question regarding reconsidering decisions passed by a previous term of Council. After reviewing other municipal procedural by-laws it is being recommended that the following be added to the Reconsideration section:

"unless the reconsideration is on a matter passed by a previous Council wherein a simple majority is sufficient to reconsider the matter."

10. New Business

New Business - Introduction

- 10.1 Although the following wording was recently added to all agendas within the New Business-Introduction section, it is out of context with New Business and may be confusing for the public:

As outlined in Corporate Policy F-11 Transparency and Accountability, the Municipality of Clarington is committed to ensuring that it is accountable to the public for its actions, through responsible and transparent behaviours and the manner in which the municipality will try to ensure that its actions are transparent to the public. Accordingly, Members of Council will endeavour to provide New Business resolutions in advance of the meeting.

- 10.2 Additionally, with the proposal for New Business, outlined below, the section "New Business – Introduction" is not required.

New Business – at Committee

- 10.3 Currently there is no requirement that Members provide New Business items in writing, except for "where requested by the Chair". Recently, in an effort to provide more notice, mainly for the sake of residents and Members of Council, Members have been encouraged to provide New Business items in writing to the Clerk ahead of time. When it is received prior to publication, it is added to the agenda. There is difficulty when the item is received after publication. One concern is that it is usually after hours and places a burden on staff to check for these items and forward to Members of Council. However, this also results in not being made public prior to the meeting and the possibility of straying into "furthering business in a closed meeting" by forwarding an agenda item to all Members of Council. Staff do not want to discourage Members from forwarding written resolutions as it provides for a smoother meeting, but as stated, this comes with its own issues.

10.4 Therefore, in order to address these issues, Staff are recommending a “graduated threshold system” to allow new items to be placed on a Committee Agenda. This way, the public would have the opportunity to provide comment on the New Business Item (as publishing in the update agenda or during the meeting is too late for public input). Additionally, Members of Committee will be able to determine, prior to the meeting, whether they have a pecuniary interest. Similarly, if all items are included in the agenda, there is no need to “Adopt the Agenda”. Therefore, Staff are also recommending the removal of the “Adopt the Agenda” section (as there will be no need), which will also streamline the meeting and simplify the agenda.

10.5 Staff are recommending the New Business section for Committee be replaced with the following wording:

Members may only introduce a motion on New Business provided that the matter was introduced in accordance with the notice provisions.

Notice of New Business items will be satisfied if a Member submits a New Business item, in writing, to the Municipal Clerk prior to the Committee Agenda deadline. The New Business Item will be included in the New Business – Consideration section of the Agenda.

Any changes in wording to a New Business item after publication of the Agenda, shall require an amendment.

If a Member submits a New Business item to the Municipal Clerk after the Committee Agenda Deadline and prior to the Committee Agenda Update Deadline, it will be included in the Committee Agenda Update under the New Business – Introduction section of the agenda, and it will require a 2/3 vote of the Members present, and voting at the meeting, to be added to the agenda for discussion under the New Business – Consideration section of the agenda with a note for the required 2/3 vote to be discussed.

If a Member submits a New Business Item, that is not included in the agenda, it shall be in writing, and shall not be considered until the next appropriate Regular Committee meeting.

A motion to request a report from Staff regarding a matter not listed on the agenda is not considered New Business but can be introduced under the "Requests for Staff Reports" section of the agenda.

10.6 No seconder will be required at the time of providing notice.

- 10.7 As stated, currently the Procedural By-law states that New Business Items shall be “in writing if requested by the Chair”. With the above requirement that the New Business item must be part of the agenda, this section is no longer required.

New Business – at Council

- 10.8 It has also been suggested that New Business be allowed to be added to a Council agenda without having been considered at a Committee meeting.
- 10.9 A section regarding Notices of Motion related to New Business was introduced in 2007 when [By-law 2007-227](#) was passed, arising out of changes recommended in [Report CLD-041-07](#). The section required Members to place the Notices of Motion on a Council agenda ahead of time. The rationale for adding it was that “all business before the Council is to receive proper public notice, therefore, introduction and immediate debate of an item of new business should not be occurring at a Council meeting. Should a member of Council wish to debate a matter, a notice of motion could be introduced under this section of the agenda and will appear on the next regular meeting agenda (under the heading of Business Arising from Notices of Motion) for debate at that time.” The result was that the following sections were added to the Procedural By-law:

7.12.1 Notices of Motions introducing new matters, except for those motions listed under subsection 10. 12. 8 (motions without notice, without leave and without debate) shall be given to the Municipal Clerk, in writing and signed by the mover and seconder at a meeting of Council, but shall not be debated until the next regular meeting of Council.

7.12.2 Where a Notice of Motion has been given under subsection 7. 12. 1, the Notice of Motion shall be printed in full in the Agenda, under "Business Arising from Notice of Motion" for that meeting of Council and each succeeding meeting until the motion is considered or otherwise disposed.

7.12.3 When a Member's Notice of Motion has been called by the Chair at two successive meetings and not proceeded with, it shall be removed from the agenda for all subsequent Meetings, unless Council otherwise decides.

7.12.4 Notwithstanding anything contained in this subsection 7. 12, a motion introducing new matters may be introduced without notice to Council, upon suspending the rules in accordance with subsection 2. 2.

- 10.10 Arising out of [Report CLD-007-11](#), a new [Procedural By-law 2011-016](#) was passed which still contained the Notices of Motion to get New Business items on Council. Discussion occurred, at that time, over concerns about the higher requirement for Notices of Motion to introduce new business at Council than Committee. Staff pointed out that the changes to the Municipal Act in 2007 provides a higher requirement for accountability and transparency and recommended that the section remain.
- 10.11 Later in 2011, Council approved the following resolution to amend the Procedural By-law regarding this matter, which resulted in [By-law 2011-037](#). This effectively removed New Business at Council unless the rules were suspended:

“Whereas a 'Notice of Motion' delivered before Council forces the introduction of an item on the following Council agenda, without discussion, debate or staff input;

And Whereas good and meaningful governance requires fulsome debate, due consideration, and open public consultation;

Therefore be it resolved that the Procedural By-law, By-law 2011-016, be amended by deleting Sections 7.12.1, 7.12.2 and 7.12.3 'Notices of Motion', and related sections, with the exception of procedural matters, to remove the opportunity to introduce new motions at Council without suspending the rules.”

- 10.12 When passing the current [Procedural By-law 2015-029](#), arising out of [Report CLD-006-15](#), Council made changes to the proposed by-law which resulted in the following changes related to New Business:
- New Business at Committee only – can be introduced at the meeting
 - Must state it in the New Business Introduction section at the beginning of the Meeting before adopting the Agenda and the Chair will ask the Committee members if they have any matters or motions they intend on raising later in the meeting
 - Will be considered in the New Business - Consideration section
 - At the conclusion of each Department portion of the Committee Agenda the members can ask questions but cannot introduce a motion at that time.
 - Motion to adopt, only at Committee meetings, and close the Agenda from new items being added. Not intended to debate the merits of adding a particular item.

- Matters added prior to adopting the agenda will be dealt with under the New Business – Consideration section
 - New Business – Consideration – at Committee Only - Any items added by a member, prior to adoption, will be dealt with in this section.
 - Can also add “on the fly” motion to “allow an additional item of new business” by vote of simple majority.
- 10.13 Current Staff are of the same opinion as Staff in 2011 and 2015, in that, in order to provide for accountability, transparency and fairness to residents and Members of Council, there needs to be as much notice as possible in order to allow residents to provide input into decisions and Members of Council to conduct any required research and determine if they have a pecuniary interest in the matter.
- 10.14 For instance, if the new business item was introduced at Committee and recommended to Council, the public would have a second chance to speak to a matter if they were unable to attend one of the meetings. Putting new business items on Council directly results in a final decision of Council, without notice. Additionally, if new items are regularly going to be introduced at Council, even with notice, it takes away the role of Committee discussing, considering, and recommending to Council.
- 10.15 See Attachment 4 for a summary of how the Durham Area municipalities handle New Business (aka Notices of Motion).
- 10.16 Therefore, Staff cannot recommend allowing New Business items to be put on Council directly and therefore are recommending that the “on the fly” motion of simple majority be deleted.
- 10.17 However, Staff recommend that “requests for staff reports” be excluded from New Business and allowed at both Committee and Council. See next section of this report, regarding “Requests for Staff Reports”.

Requests for Staff Reports

- 10.18 Currently, if a Member wishes to request a staff report, it is done either with a formal resolution or “motion for direction” which is simply a verbal request at a meeting and cannot be done at Council, only Committee. The informal request sometimes results in staff preparing a report that is not requested by a majority of Council and is not clearly defined. In order to provide timeliness and flow of communication, Staff are recommending that a new section be introduced, at both Council and Committee, to allow “Request for Staff Reports”. This is an approach that has worked well in other municipalities, including Pickering and Bradford West Gwillimbury (which used this approach at Committee of the Whole).

10.19 This would require a motion by a simple majority and would be limited to only the request for a Staff report (i.e. it couldn't be combined with a policy decision or direction to staff), and would not be considered part of New Business. Additionally, it should only be used when there is an urgency and the request cannot be made at a Committee meeting.

11. Housekeeping

11.1 During this review of the Procedural By-law several housekeeping amendments were identified and are included in the proposed new by-law. In particular, but not limited to:

- Addition of, or slight changes to, some definitions (Act, Closed Meeting, Emergency Meeting, Joint Meeting, Reconsideration, Rescind, Refer, Special Meeting, Table, Substantive Motion)
- Moving some of the “electronic meeting participation” provisions (i.e. putting definitions in definitions, etc.)
- Changing references to “Clerk’s Department” to “Clerk’s Division”
- Changing references to “Planning Services Department” to “Planning and Development Services Department”.
- Changing references to “he” or “his” to “they” or “their” respectively.
- First Meeting of Council – pursuant to changes to the Municipal Act, shall be within 31 days of the beginning of the new Council Term (i.e. beginning in 2022, November 15 is the beginning of the term).
- Removal of contradictory wording such as “preference be given that meetings shall be held in Clarington”.
- Cleaning up the language around portable electronic devices
- Adding a section on cancellation of meetings (similar to the Region of Durham)
- Removal of requirement for minutes to be signed by Mayor and Clerk as we have discontinued signing the minutes, as of January 1, 2021, due to COVID-19, accessibility of documents, and efficiency reasons.
- Subsections 10.6.1 and 10.6.2, regarding the appeal of the ruling of the chair, were duplicates of each other, so we are removing one subsection.
- Adding wording to clarify the current practice of Members “not entering into a debate with delegations”.
- Changing the Agenda Section Title from “Confidential Reports” to “Confidential Items”.
- Where possible, only added one section if it pertains to multiple meeting types.
- Renumbering of subsections and minor grammar or typos.

12. Concurrence

Not Applicable.

13. Conclusion

To realize staff and meeting efficiencies, to provide for improved accountability and transparency, to improve customer service and response times, and to improve the flow of agendas and meetings, it is respectfully recommended that Procedural By-law 2015-029 be repealed and the proposed procedural by-law, attached as Attachment 5 to this Report, be approved.

Staff Contact: June Gallagher, Municipal Clerk, and JP Newman, Deputy Clerk, 905-623-3379 ext. 2109.

Attachments:

Attachment 1 – Summary of Durham Area Meeting Times

Attachment 2 – Examples of Correspondence

Attachment 3 – Summary of Time Limits

Attachment 4 – Summary of Durham Area Municipalities & Notices of Motion–

Attachment 5 – Draft redlined Procedural By-law

Interested Parties:

There are no interested parties to be notified of Council's decision.

Attachment 1

Summary of Durham Area Meeting Times

Municipality	Committee Start Time	Council Meeting Start Time	Summer Hiatus?	Notes
Clarington	9:30 am & 7:00 pm	7:00 pm	July & August	
Region	9:30 am	9:30 am	July & August	
Ajax	1:00 pm & 7:00 pm	7:00 pm	August	
Brock	9:30 am	6:30 pm	July	Procedural By-law is silent on hiatus. Schedule = One Council meeting scheduled for Aug. 23 but no COW
Oshawa	9:30 am & 1:30	9:30 am	July & August & March Break	Development Services Committee meetings are held at 1:30 p.m. on a 3 week rotation schedule on Mondays. Planning Act Public meetings are held, when required, at 6:30 p.m. on the same date as the regular meeting.
Pickering	2:00 pm & 7:00 pm	7:00 pm	July & August	
Scugog	1:30 pm & 6:30 pm	6:30 pm	July & August	
Uxbridge	10:00 am	10:00 am & 7:00 pm	July & August = Once per month only	Regular Council meetings alternate 2 nd and 4 th Monday of the month
Whitby	6:00 pm	7:00 pm	One Special Council Meeting in July & August, if required	Procedural By-law is silent on summer hiatus but schedule shows special meetings, if required.

Attachment 2

Examples of Correspondence

The following are examples of correspondence which has not been forwarded to Council or put on a Council agenda, based on current Council direction regarding correspondence:

Sender	Description	Disposition
York & Durham Regions	Duffin Creek Water Pollution Control Plant Upgrades and Phosphorus Reduction Action Plan Implementation – Invitation for Membership	Forwarded to Engineering Staff who contacted sender
Several Municipalities	Revisions to the Municipal Elections Act	Reviewed and filed by Clerk
Several Municipalities	Repeal Schedule 8 of Bill 229	Filed
Bracebridge	Infrastructure Funding	Filed
Guelph Eramosa Twp.	MFIPPA Reform Resolution	Filed
Oshawa	Oshawa's comments on Major Transit Station Areas	Forwarded to Planning
Oshawa	City of Oshawa Durham Region's Municipal Comprehensive Review: City Comments on Employment Conversion Requests	Forwarded to Planning
Oshawa	Letter of Objection to AGCO regarding 7-11 offering alcohol	Filed
Grey Highlands	Insurance Rates Resolution	Forwarded to Treasurer
Norfolk County	Exempt all primary agriculture producers from current and future carbon taxes	Filed
Town of Whitby	Major Transit Station Areas Proposed Policy Directions	Forwarded to Planning
Kitchener	Urge Province to review and reconsider the timelines for review of Planning Act applications before an appeal is permitted to the LPAT and to return to the timelines that were in effect under Bill 139	Forwarded to Planning
MPAC	Aggregate Resources Act – Opportunity for Comment	Forwarded to Finance and Planning
CLOCA, MMAH	Comments on Growing the Greenbelt	Forwarded to Planning
Town of Aurora	Request a Federal Impact Assessment of Highway 413	Forwarded to Planning
Town of Whitby	Encouraging extension of Digital Mainstreet Program	Forwarded to CBOT

Attachment 3

Speaking Limits

Municipality	Delegation Limit	Presentation Limit	Notes
Clarington	10 minutes	Not specified	Currently
Region	5 minutes	10 minutes	A single two minute extension may be granted by a majority vote.
Ajax	5 minutes for individuals; 10 minutes for group delegations	Not specified	
Brock	5 minutes	10 minutes	Can waive rules to allow delegations to exceed; Presentations may exceed with permission of the Chair
Oshawa	5 minutes at Council; 10 minutes at Committee	10 minutes	One-Time extension of two minutes or alternative timeframes requires 2/3 majority.
Pickering	10 minutes	Not specified	
Scugog	5 minutes	15 minutes	Presentation limit except with permission of the Chair.
Uxbridge	10 minutes; 15 minutes for a group	Not specified	Delegation extension by a majority vote.
Whitby	5 minutes	10 minutes	Delegation extension by a majority vote.

Summary of Notices of Motion and New Business

Municipality	Notices of Motion	New Business	Notes
Clarington	Procedural Motions only.	May be introduced at a Committee meeting provided "is within the mandate of the Committee", but not at Council	
Region	<p>19.2 - Notice of Motion</p> <p>(a) Notice of all new motions, except motions listed in clauses 19.1 (a) and (b), shall be given in writing and signed by the mover and the seconder, either:</p> <p>(i) at a meeting of Council but shall not be debated until the next regular meeting of Council; or</p> <p>(ii) delivered to the Clerk not later than Wednesday Noon the week prior to the meeting at which the motion is to be introduced.</p> <p>(b) Where notice of motion has been given under clause 19.2 (a), the motion shall be included in the agenda for the next regular meeting of Council and for each succeeding regular meeting until the motion is considered or otherwise disposed of.</p>	<p>15.11 - Other Business</p> <p>(a) A Member may introduce a motion under Other Business without notice, if Council, without debate, dispenses with notice on a two-thirds majority vote, in accordance with Section 19.4 of this By-law.</p> <p>(b) All requests for substantive gathering of information or the preparation of reports from staff shall require the approval of a majority of the Members present at a meeting and such requests shall identify the appropriate Department and the objective(s) of the report.</p>	<p>New Business allowed with suspension of rules 2/3 majority.</p> <p>Request for reports = simple majority</p>
Ajax	<p>6.28 - Notice of Motion</p> <p>Motions introducing new matters, except for motions listed under Section 10.8 shall be given in writing by the mover:</p> <p>6.28.1 at a Meeting of Council, but shall not be debated until the next regular Meeting of Council; or</p> <p>6.28.2 delivered to the Clerk and distributed to Council not later than noon ten days prior to the date of the Meeting at which the motion is to be introduced and debated.</p> <p>6.29 Where notice of motion has been given, the motion shall be printed in the agenda, under "Business Arising from Notice of Motion" for the next regular Meeting of Council and for each succeeding Meeting until the motion is considered or otherwise disposed of.</p>	<p>6.32 - New Business / Announcements</p> <p>A period will be allowed for Members to bring matters of public interest or community interest before Council for information. Each member shall be limited to five minutes, and statements shall not be intentionally controversial in nature.</p>	<p>New Business deadline = Agenda deadline</p> <p>Nothing special for Request for Report</p>
Brock	<p>8.10 - Notice of Motions - Council</p> <p>8.10.1 A member desiring to introduce a subject for discussion by Council shall provide Notice of Motion, in writing, with a confirmed mover and seconded, to the Clerk, by no later than 12:30 p.m. on the Tuesday prior to the Council meeting.</p> <p>8.10.2 The Clerk, upon receipt of a notice of Motion, shall print the motion in full in the agenda for the next regular Council meeting.</p> <p>8.10.3 A notice of Motion shall be considered or otherwise disposed of by the Council at the regular meeting at which it is first introduced, unless a member objects to its consideration, in which case it shall be considered at the next regular meeting of Council.</p>	Not specified.	<p>New Business deadline = Agenda deadline</p> <p>Nothing special for Request for Report</p>
Oshawa	<p>22 - Notices of Motion</p> <p>a) A Member may provide for a Notice of Motion to be considered at a subsequent Meeting by submitting the written Notice of Motion to the City Clerk no later than 4:30 p.m. on the Tuesday prior to the regularly scheduled Council Meeting for printing on the Council Meeting Agenda.</p> <p>b) Notices of Motion will not be discussed as part of the business at the meeting but will be referred to the appropriate Standing Committee or next Council meeting for disposition. Notices of Motion printed on the Council Meeting Agenda may be withdrawn if requested by the author of the notice of motion by a majority vote of Council Members present and voting.</p>	Not specified.	<p>New Business deadline = Agenda deadline. But referred to another meeting.</p> <p>Nothing special for Request for Report</p>

Municipality	Notices of Motion	New Business	Notes
Pickering	<p>16.1 - Notices of Motion</p> <p>a) A Member desiring to introduce a notice of motion must do so in writing at any Meeting, at least 10 days prior to the Meeting at which the motion will be dealt with. Introduction of notices of motion must be done as "Other Business".</p> <p>b) In order to be listed in the agenda, a copy of the motion being considered by Council, must be forwarded to the Clerk, signed by the mover and seconder, no later than 12:00 pm on the Wednesday prior to the Council Meeting at which the motion will be dealt with.</p> <p>c) The Clerk, upon receipt of a notice of motion in accordance with a) and b), shall print the motion in full in the agenda for the Council Meeting at which it is to be dealt with.</p> <p>18.2 - Notice of Motion</p> <p>A member who wishes to give notice of a motion to be brought forward for future Council consideration shall do so in writing under "Other Business".</p>	<p>18.1 - Other Business</p> <p>At any Meeting under Other Business, Members may congratulate, report on events and promote upcoming events of public importance or interest.</p> <p>18.3 - Substantive Information Reports</p> <p>All Members' requests for substantive information or reports from staff shall require the approval of a majority of Members present at a Meeting. Such requests shall identify the appropriate Department and / or Director and the objective(s) of the report.</p>	<p>New Business deadline = Agenda deadline.</p> <p>Request for reports = simple majority</p>
Scugog	<p>7.35 - Notices of Motion</p> <p>a) A Member desiring to introduce a subject for discussion by Council shall provide a Notice of Motion in writing to the Clerk no later than 4:30 p.m. on the Tuesday prior to a Regular Council Meeting, which does not include a GPA or PCA meeting. The Notice of Motion shall be seconded prior to being placed on the Council agenda.</p> <p>b) The Clerk shall place the Notice of Motion on the Council Agenda. The Notice of Motion may be discussed and dealt with by Council unless a Member requests that the matter be dealt with at the next Regular Council Meeting which does not include a GPA or PCA meeting.</p> <p>Motion to Rescind, Amend Something Previously Adopted, Reconsideration shall be added as a Notice of Motion.</p>	<p>7.36 - New Business / General Information</p> <p>This section shall contain items which a Member may introduce, which were not circulated with the Agenda and which, due to their nature or time-sensitivity cannot be properly presented at a subsequent Meeting of Council or Committee. Members may raise questions regarding matters that may be appropriate for Staff comment in the form of immediate response or subsequent follow-up. To introduce a matter requiring Council direction, first requires approval of 2/3 of the Members present. Upon approval of 2/3 of the Members present the Member may introduce their motion. Motions to receive or refer to Staff are in order and may be passed with a simple majority. All other motions require a 2/3 majority vote of Council for approval.</p>	<p>New Business deadline = Agenda deadline. Requires 2/3 majority to proceed.</p> <p>Matter will be discuss unless a Member requests that it be dealt with at next Meeting</p>
Uxbridge	<p>Not specified.</p>	<p>9.12 - Other Business</p> <p>Items of business requiring the direction of Council or a formal resolution will appear under this section in the Agenda. These matters should generally pertain to information items and can include Members' Reports on Advisory Committees. Any proposal to present a Motion must comply with section 13 of this By-law.</p>	<p>Silent on New Business Items</p>
Whitby	<p>3.13 - Notices of Motion</p> <p>3.13.1 A Member desiring to introduce a Motion at a Meeting regarding a matter that would not otherwise be considered by the Council at such Meeting, shall deliver a written copy of the Motion, with a confirmed mover and seconder, to the Clerk not later than Wednesday noon before the regular Meeting of the Council at which notice of the Motion is to be given.</p> <p>3.13.2 The Clerk, upon receipt of a notice of Motion, shall print the Motion in full in the agenda for the next regular Meeting of the Council.</p> <p>3.13.3 A notice of Motion shall be considered or otherwise disposed of by the Council at the regular Meeting at which it is first introduced, unless a Member objects to its consideration, in which case it shall be considered at the next regular Meeting of the Council.</p> <p>3.13.4 Any Member of the Council may agree to second a notice of Motion if the seconder is absent from the Meeting.</p>	<p>Not specified.</p>	<p>New Business deadline = Agenda deadline.</p> <p>Matter will be discuss unless a Member requests that it be dealt with at next Meeting</p>



Attachment 5 to Report LGS-017-21

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

Municipality of Clarington

Procedural By-law 2021-**xxx**

As of **XXX**, 2021

The Corporation of the Municipality of Clarington
Procedural By-law 2021-xxx

Table of Contents

Section 1 – Definitions and Interpretation	61
Section 2 – General Provisions	105
2.1 Applicability	105
2.2 Suspension of Rules of Procedure	115
2.3 Issue not Addressed	115
2.4 Electronic Participation	115
Section 3 – Duties of the Mayor and Council.....	126
3.1 Duties of the Mayor	126
3.2 Appointment of Deputy Mayor.....	137
3.3 Participation of Chair in Debate.....	137
3.4 Duties of a Member of Council	137
Section 4 – Meetings	148
4.1 Regular Meetings	148
4.2 Special Meetings	148
4.3 Emergency Special Meeting.....	159
4.4 First Meeting of Council.....	159
4.5 Seating and Persons within Council Ring.....	159
4.6 Quorum	1540
4.7 Meetings Open to Public	1640
4.8 Closed Meetings	1640
4.9 Notice of Meeting	1744
Regular Meetings	1744
Special Meetings	1842
Emergency Special Meetings	1842
4.10 Length of Meetings / Scheduled Break	1842
4.11 Portable Electronic Devices	1843
4.12 Video Recording of Council and Committee Meetings	1943
4.13 Cancellation of Meetings	1943
Section 5 – Committees	2044
5.1 General	2044
Exceptions.....	2044

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

5.2	General Government Committee (GG)	2044
5.3	Planning and Development Committee (PD).....	2145
5.4	Appointments to Municipal Service Boards, Local Boards, Advisory Committees and Corporations.....	2246
Section 6 – Agendas and Minutes		2216
6.1	Council Agenda.....	2246
6.2	GG Committee Agenda.....	2347
6.3	Planning and Development Committee (PD) Agenda	2448
6.4	Special Committee Agendas	2549
6.5	Meeting Minutes.....	2549
Section 7 – Order of Proceedings - Council		2620
7.1	Call to Order.....	2620
7.2	Disclosure of Pecuniary Interest.....	2720
7.3	Announcements	2824
7.4	Adoption of Minutes of Previous Meeting(s).....	2924
7.5	Presentations	2822
7.6	Delegations	2923
7.7	Reports / Correspondence Related to Delegations / Presentations	2923
7.8	Communications	3024
7.9	Staff Reports and Communications.....	3125
7.10	Business Arising from Procedural Notice(s) of Motion	3125
7.11	Unfinished Business.....	3225
7.12	Confidential Items	3226
7.13	By-laws.....	3226
7.14	Procedural Notice(s) of Motion.....	3327
7.15	Other Business / Questions for Department Heads	3428
Section 8 – Order of Proceedings – Standing Committees		3428
8.1	General Government Committee (GG)	3428
8.1.1	Call to Order.....	3428
8.1.2	New Business - Introduction.....	3428
8.1.3	Adopt the Agenda	3429
8.1.4	Disclosure of Pecuniary Interest.....	3529
8.1.5	Announcements	3529
8.1.6	Minutes of Previous Meeting(s).....	3529

The Corporation of the Municipality of Clarington
 Procedural By-law 2021-xxx

8.1.7	Presentations	<u>3529</u>
8.1.8	Delegations	<u>3530</u>
8.1.9	Reports / Correspondence Related to Delegations Presentations	<u>3530</u>
8.1.10	Communications	<u>3530</u>
8.1.11	Staff Reports and Communications.....	<u>3630</u>
8.1.12	New Business - Consideration	<u>3634</u>
8.1.13	Unfinished Business.....	<u>3734</u>
8.1.14	Other Business / Questions for Department Heads	<u>3734</u>
8.1.15	Confidential Items	<u>3734</u>
8.2	Planning & Development Committee (PD)	<u>3834</u>
8.2.1	Call to Order.....	<u>3834</u>
8.2.2	New Business -- Introduction	<u>3834</u>
8.2.3	Adopt the Agenda	<u>3832</u>
8.2.4	Disclosure of Pecuniary Interest.....	<u>3832</u>
8.2.5	Announcements	<u>3832</u>
8.2.6	Minutes of Previous Meeting(s).....	<u>3832</u>
8.2.7	Public Meetings.....	<u>3832</u>
8.2.8	Delegations	<u>3933</u>
8.2.9	Presentations	<u>3933</u>
8.2.10	Reports / Correspondence Related to Delegations Presentations	<u>3933</u>
8.2.11	Communications	<u>3933</u>
8.2.12	Staff Reports and Communications.....	<u>4033</u>
8.2.13	New Business -- Consideration	<u>4034</u>
8.2.14	Unfinished Business.....	<u>4034</u>
8.2.15	Other Business / Questions for the Department Heads	<u>4034</u>
8.2.16	Confidential Items	<u>4134</u>
Section 9 – Delegations.....		<u>4134</u>
9.1	General	<u>4134</u>
9.2	Delegations - To Council	<u>4235</u>
	Request to Speak – Required	<u>4236</u>
	Time Limits.....	<u>4336</u>
9.3	Delegations - To Committee.....	<u>4336</u>
	Time Limits.....	<u>4337</u>
	Request to Speak – Required	<u>4337</u>

The Corporation of the Municipality of Clarington
 Procedural By-law 2021-xxx

	Disposition of Delegation.....	<u>4337</u>
9.4	At a Public Meeting	<u>4437</u>
	Time Limits.....	<u>4437</u>
	Request to Speak – No Request Required	<u>4437</u>
9.5	Special Meetings.....	<u>4438</u>
9.6	Conduct of Delegations and Presenters.....	<u>4538</u>
9.7	Petitions	<u>4538</u>
Section 10 – Rules of Debate and Conduct		<u>4639</u>
10.1	Conduct of Members of Council or Members of Committees.....	<u>4639</u>
10.2	Address the Chair	<u>4639</u>
10.3	Order of Speaking	<u>4640</u>
10.4	Point of Privilege	<u>4740</u>
10.5	Point of Order.....	<u>4740</u>
10.6	Appeal of Ruling of Chair	<u>4740</u>
10.7	Members Speaking	<u>4841</u>
10.8	Question Read	<u>4841</u>
10.9	Speak Once - Reply	<u>4841</u>
10.10	Time Limit.....	<u>4841</u>
10.11	Questions	<u>4841</u>
10.12	Motions.....	<u>4842</u>
	Reading.....	<u>4842</u>
	Withdrawn	<u>4942</u>
	No debate until properly moved and seconded	<u>4942</u>
	Motion Ruled Out of Order	<u>4942</u>
	Not within jurisdiction of Council.....	<u>4942</u>
	Matters and Motions Without Notice and Without Leave.....	<u>4943</u>
	Motion in Writing	<u>5043</u>
	Priority of Disposition	<u>5043</u>
	Motion to Refer or Commit	<u>5043</u>
	Motion to Amend	<u>5144</u>
	Motion to Amend Something Previously Adopted	<u>5144</u>
	Question Be Now Put.....	<u>5144</u>
	Motion to Table	<u>5245</u>
	Motion to Divide	<u>5245</u>

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

	Motion to Rescind	5346
	Reconsideration	5346
	Motion to Recess	5447
	Motion to Adjourn	5447
10.13	Voting on Motions	5548
	Unrecorded Vote	5548
	Recorded Vote	5549
	Consent Resolution	5649
10.14	Conduct of the Audience	5649
	Section 11 - Implementation	5750

The Corporation of the Municipality of Clarington

By-law 2021-xxx

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-law 2015-029.

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:

Agenda Deadline means 12:00 noon on the Wednesday preceding the meeting, unless determined differently by the Municipal Clerk for the purposes of a Special meeting, etc.

Agenda Update Deadline means one hour prior to the close of business on the business day prior to the meeting.

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 and Development 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.

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

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

Consent Resolution means two or more items that are approved in a single motion without debate, subject to the agreement of the majority of Members.

Council means the Council of the Municipality of Clarington.

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.

Electronic Council Communications Information Package (ECCIP) means an electronic package containing correspondence received by Staff for Council's information.

Electronic Participation means that a Member may participate in the Council or Committee meeting, remotely 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. 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.

Emergency means any period of time during which an Emergency has been declared to exist in all or part of a municipality by the Head of Council or the Province under sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act, as amended.

Emergency Management Act means the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E. 9, as amended.

Emergency Special Meeting means a meeting called by the Mayor, without advance notice being given, to consider and deal with urgent and extraordinary matters, including issues that may urgently affect the health or safety of residents.

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.*

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

Information Presentation(s) means presentations not seeking a resolution or direction from Council.

Joint Meeting means a meeting that deals with matters that would normally be dealt with at a GG meeting or PD meeting.

Mayor means the Head of Council.

Meeting, as stated in Section 238 of the Municipal Act, 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 or 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 or 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.

Petition means a legibly written/typed document requesting Committee's / Council's consideration of a matter that contains more than ten signatures.

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.

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

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 their rights, immunities or integrity or the rights, immunities or integrity of Council as a whole have been challenged.

Present means that a Member may attend a meeting either in person or by electronic participation.

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.

Reconsideration means a motion that has the effect of allowing a motion to proceed as though it had never been previously voted on.

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.

Rescind means a motion that undoes the action taken by the motion, provided it has not been acted upon.

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

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

Special Committee means a Special Committee of Council appointed pursuant to Sub-section 5.1.3 of this Procedural By-law.

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.

Simple Majority means 50% + 1:

- a) For 7: 4
- b) For 6: 4
- c) For 5: 3
- a)d) For 4:3

Three-Quarters Majority (3/4) means:

- a) 3/4 of 7: 6
- b) 3/4 of 6: 5
- c) 3/4 of 5: 4
- d) 3/4 of 4: 3

Two-Thirds Majority (2/3) means:

- a) 2/3 of 7: 5
- b) 2/3 of 6: 4
- c) 2/3 of 5: 4
- a)d) 2/3 of 4: 3
- a)

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.

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

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

2.4.3 A member of 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.

2.4.4 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.

2.4.5 The protocol for participating electronically shall be set out by the Municipal Clerk and may be amended from time to time.

2.5 Agenda Restrictions

2.5.1 The Municipal Clerk shall refuse to place on the agenda, and in an ECCIP, an item where the subject matter:

a) Involves current or pending litigation;

b) Involves insurance claims;

c) Involves personnel matters;

d) Involves labour relations;

e) Involves administrative complaints;

f) Is beyond the jurisdiction of Council;

g) Is contrary to the provisions of the Municipal Freedom of Information and Protection of Privacy Act or other relevant legislation;

h) Involves solicitation of business;

i) Involves political parties; or

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

a)j) Otherwise not suitable for discussion.

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 a vote all questions, which are regularly moved and seconded, or necessarily arise during the proceedings and to announce the results;
- f) To vote on all motions, which are moved and seconded, or necessarily arise during the proceedings;
- g) To decline to put to vote, motions which contravene the provisions of this Procedural By-law;
- h) To enforce the provisions of this Procedural By-law;
- i) To enforce on all occasions, the observance of order and decorum among the Members;
- j) To call by name, any Member refusing to comply with this Procedural By-law and to order the Member to vacate the Council Chamber, or the place of Meeting, as the case may be;
- k) To cause to be expelled and excluded any member of the public who creates any disturbance or acts improperly during a Meeting and, if necessary, to direct the Municipal Clerk to seek the appropriate assistance from the Durham Regional Police;
- l) To authenticate, by signature, all by-laws ~~and Meeting minutes~~;
- m) To rule on any Points of Order and Points of Privilege raised by Members of Council; and

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

- 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 the Chair desires to leave the chair to leave the meeting, to move a motion, or to take part in the debate, the Mayor shall preside until the Chair resumes the chair. If the Mayor is chairing the Committee meeting, the Deputy Mayor shall preside until the Mayor resumes the Chair. If the designated person is not present, the Chair may call upon any other Member to chair the meeting. 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.~~

- ~~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:

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

- 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 they are 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 or electronically, as determined by the Municipal Clerk, 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.

4.2.2 The Mayor may, at any time, call a special Meeting of Council, GG Committee or PD Committee and shall call 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 call 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.

The Corporation of the Municipality of Clarington
Procedural By-law 2021-xxx

4.3 Joint Meeting

4.3.1 In addition to regular Meetings, Joint Meetings may be called at the dates and times as determined by Council resolution.

4.4 Emergency Special Meeting

4.4.1 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, including issues that may urgently affect the health or safety of residents. ~~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.~~

4.5 First/Inaugural Meeting of Council

4.5.1 The first Meeting of Council shall be held within 31 days of taking office, 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, the time and location determined in consultation with the Clerk and Mayor.

4.6 Seating and Persons within Council Ring

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

4.6.2 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.

4.6.3 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.

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

4.7 Quorum

4.7.1 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.

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

4.7.2 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.

4.7.3 If during 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.

4.8 Meetings Open to Public

4.8.1 Subject to Sub-section 4.8, Meetings shall be open to the public and no person shall be excluded there from except for improper conduct.

4.9 Closed Meetings

4.9.1 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)(3) 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*.~~

4.9.2 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.

4.9.3 A motion to close a Meeting or part of a Meeting to the public shall state:

- a) the fact of the holding of the closed Meeting; and
- b) the general nature of the matter to be considered at the closed Meeting.

4.9.4 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

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

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; or

c) only permit access to the electronic meeting to those persons specifically invited to attend the closed Meeting.

4.9.5 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.

4.9.6 Notwithstanding Sub-section 4.8.5, 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.

4.10 Notice of Meeting

Regular Meetings

4.10.1 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.

4.10.2 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.

4.10.3 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.

4.10.4 The meeting schedule referred to in Sub-section 4.9.1 shall generally be based on a three-week rotation. If the regular meeting date falls on a public holiday, the Council or Committee meeting, whichever the case may be, shall beginning in September, 2021, be scheduled on the following week and all subsequent meetings shall be moved forward a week, meet at the same hour on the next day not being a public holiday. One meeting shall may 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 remainder of the month of July, the month of August or between Christmas and New Year's. Council and PD Committee meetings shall be held at 7:006:30 PM and GG Committee meetings shall be held at 9:30 AM.

The Corporation of the Municipality of Clarington
Procedural By-law 2021-xxx

Special Meetings

- 4.10.5 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.
- 4.10.6 In addition to the notice provided for in Sub-section 4.9.5, written notice of a special Meeting of Council or Committee shall be given to all Members.
- 4.10.7 The written notice referred to in Sub-section 4.9.6 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

- 4.10.8 Where an Emergency special Meeting of Council is held in accordance with Sub-section 4.3, 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 4.8.1, indicate the nature of the business considered at the Emergency special Meeting.

4.11 Length of Meetings / Scheduled Break

- 4.11.1 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~~ the rules are suspended.
- 4.11.2 Meetings which are scheduled to commence at or after ~~7:00~~6:30 PM, and which are in session at ~~11:04~~10:31 PM, will be adjourned unless ~~otherwise determined by a vote of two-thirds of the Members present~~ the rules are suspended.
- 4.11.3 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.

4.12 Portable Electronic Devices

- 4.12.1 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 sStaff while the meeting is in session.~~

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

4.12.2 Despite Subsections 4.11.1 ~~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.~~

4.12.3 ~~Notwithstanding subsections 4.10.1 and 4.10.2, t~~he use of portable electronic devices may be used ~~by a Member~~ as an interface ~~for a Member~~ to participate electronically in the meeting.

4.13 Video Recording of Council and Committee Meetings

4.13.1 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.

4.13.2 Notwithstanding Sub-section 4.12.1, video recording by any person is ~~not prohibited~~permitted for a presentation as defined in Sub-section 7.5.1 (a) of this by-law.

4.14 Cancellation of Meetings

4.14.1 A regular or special meeting may be cancelled in any of the following circumstances:

~~a) If the Clerk determines in advance that quorum will not be achieved;~~

~~b) if the meeting is cancelled by Council or Committee resolution;~~

~~c) Where the meeting is not required as determined by the Clerk, in consultation with the Mayor and CAO, due to a lack of forecasted agenda items; or~~

~~d) in the event of exceptional circumstances, at the discretion of the Chair or Clerk.~~

4.14.2 The Clerk shall give notice of the cancellation to all Members of Council as soon as possible after the cancellation.

The Corporation of the Municipality of Clarington
Procedural By-law 2021-xxx

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 they have been appointed Department Liaison.

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 they have 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.

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

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~~ minutes 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.

5.3 Planning and Development Committee (PD)

- 5.3.1 The Chair of the PD Committee shall be the Planning and Development 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~~ may 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~~ minutes 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.

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

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 in accordance with 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
- Presentations / Delegations
- ~~Adoption-Consideration~~ of Minutes ~~of previous meeting(s)~~
- Reports / Correspondence Related to Delegations / Presentations
- Communications
- ~~Committee Report(s)~~
- Staff Report(s) and Staff Memo(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
- Confidential Items
- By-laws
- Procedural Notices of Motion (for consideration at subsequent Meeting)
- ~~Other Business-Questions to Department Heads / Request for Staff~~
Report(s)
- Confirming By-law
- Adjournment

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

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

- 6.1.3 At the discretion of the Municipal Clerk, an agenda item received after ~~noon~~ ~~on Wednesday~~ the Agenda Deadline 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 if it is received by the Agenda Update Deadline. Such matter shall be communicated to the members of Council and posted on the Municipal website as soon as possible by end of day on the business day prior to the meeting.
- 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.
- 6.1.5 Notwithstanding sub-section 6.1.1, the Municipal Clerk may group items regarding the same matter together on the agenda, in the order that the Municipal Clerk deems appropriate.
- 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)~~
 - Presentations / Delegations
 - Reports / Correspondence Related to Delegations / Presentations
 - Communications
 - Staff Report(s) and Communication(s)
 - New Business - Consideration
 - Unfinished Business
 - Questions to Department Heads / Request for Staff Report(s)
 - Confidential ~~Reports~~Items
 - 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~~ the end of day Thursday preceding the commencement of the regular GG Committee Meeting.

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

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~~the Agenda Deadline 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 if it is received by the Agenda Update Deadline. Such matter shall be communicated to the members of Council and posted on the Municipal website as soon as possible by end of day on the business day prior to the meeting.

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.

~~6.2.5~~ Notwithstanding Sub-section 6.2.1, the Municipal Clerk may group items regarding the same matter together on the agenda, in the order that the Municipal Clerk deems appropriate.

6.3 Planning and Development Committee

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

Presentations / Delegations

Reports / Correspondence Related to Delegations / Presentations

Communications

Staff Report(s) and Communication(s)

New Business - Consideration

Unfinished Business

Questions to Department Heads / Request for Staff Report(s)

Confidential ~~Reports~~Items

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~~the end of day Thursday preceding the commencement of the regular PD Committee Meeting.

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

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~~the Agenda Deadline 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 if it is received by the Agenda Update Deadline. Such matter shall be communicated to the members of Council and posted on the Municipal website as soon as possible by end of day on the business day prior to the meeting.

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.

6.3.5 Notwithstanding sub-section 6.3.1, the Municipal Clerk may group items regarding the same matter together on the agenda, in the order that the Municipal Clerk deems appropriate.

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;

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

- c) ~~the reading,~~ if requested, correction and confirmation of the minutes of prior Meetings;
- d) declarations of pecuniary interest; and
- 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 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 their responsibility to assume the chair.

7.1.3 If the Deputy Mayor is also not present within fifteen 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 Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

"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."

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, they shall vacate the room in which the meeting is taking place.~~

7.2.2 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.

7.2.3 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. Further, if the Member declares on a matter at a meeting and at a subsequent meeting the minutes of the entire meeting are on the floor for adoption, the Member's declaration is understood and the Member may participate in the vote on adopting the minutes and is not required to submit another declaration of interest form, provided that the matter the Member declared on is not further discussed or amended in any way.

7.2.4 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.

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

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

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

- 7.2.6 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 five 5 minutes during which time they may announce or comment on community events and activities that will occur within one week of the meeting, unless a regular Council / Committee meeting is not scheduled within one week.

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~~ Agenda Deadline.

Presentations shall include only the following:

- a) Civic recognition / awards; or
- b) Presentations by Municipal Staff or consultants retained by the Municipality; or
- c) Presentations from senior levels of government; ~~or other agencies thereof, or other municipal governments~~
- ~~d) Presentations by persons or organizations who have been invited to the meeting by Members of Staff or by Council / Committee.~~
- ~~d) Presentations deemed necessary by the Municipal Clerk, or as required by law.~~
- ~~e) Presentations, for matters of information only, shall submit a written communication to the Municipal Clerk, outlining their presentation, to be included in the ECCIP. Should any single Member of Council ask that the Presentation be heard, it shall be placed on the appropriate Committee meeting agenda.~~

Any other agencies seeking to make an information presentation must submit a written summary of their presentation to be included in the ECCIP. Should any Member of Council wish to hear the presentation, the presentation can be placed on a future agenda.

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

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 Division to register for the Meeting. Presentations must be provided to the Municipal Clerk's Division no later than 2:00 pm on the business day preceding the commencement of 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.

7.4.3 Each Presentation 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.

Presentations to Committee

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

7.4.5 Upon receipt of the request for presentation as detailed in Sub-section 7.5.1, 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.

7.4.6 Where the Municipal Clerk, or designate, has scheduled a presentation for a specified time, as per Sub-section 7.5.4, 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~~ alter the agenda" to be considered immediately after the Presentation" would be in order.

7.5 Delegations

7.5.1 See Section 9.

7.6 Adoption of Minutes of Previous Meeting(s)

7.6.1 Minutes of Standing Committees, Advisory Committees and Boards shall be listed under this Section of the Council agenda.

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

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

- 7.6.3 Minutes of Standing Committees may be disposed of through a single resolution. Alternatively, any Member may request that one or more recommendations contained in the minutes be extracted and voted on separately for the purposes of changing the motion or holding a recorded vote.
- 7.6.4 Minutes of Standing Committees approved at Council are not required to be added to the agenda or approved by a future Standing Committee meeting.
- 7.7 **Reports / Correspondence Related to Delegations / Presentations**
- 7.7.1 Reports and correspondence that are related to a delegation or presentation on the agenda may be listed under this section of the agenda.
- 7.8 **Communications**
- 7.8.1 The Municipal Clerk shall prepare an Electronic Council Communication Information Package (ECCIP) containing correspondence received by Staff for Council's information.
- 7.8.2 The deadline for information to be included in the ECCIP is end of day Thursday.
- 7.8.3 The ECCIP shall be delivered electronically every Friday.
- 7.8.4 A Member of Council may request, in writing to the Clerk, including the Member's motion for the disposition of the item, that an item from the ECCIP be included on the next agenda of the appropriate Committee of Council, as determined by the Clerk.
- 7.8.5 The item will be included on the agenda of the appropriate Committee of Council if submitted to the Clerk prior to the Agenda deadline and if it is not restricted under section 2.5. For clarity, this will not be the meeting three calendar days from when the ECCIP was published, but rather a future meeting. 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 directly relates to Clarington, and 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.
- 7.8.6 Communications which, in the opinion of the Clerk require action by Council shall be included on a Council or Committee agenda under Communications and shall include a recommendation for disposal.

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

~~7.8.7 — At the discretion of the Municipal Clerk, an item of correspondence received after the publishing of the agenda Agenda Update Deadline 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.~~

7.8.7 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) including their name and address, and shall be filed with the Municipal Clerk.

7.8.8 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.~~

7.9 Staff Report(s) and Staff Memo(s)

7.9.1 Notwithstanding Sub-sections 8.1.1~~0~~ and 8.2.1~~0~~⁴, 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 and Development 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.

7.10 Business Arising from Procedural Notices of Motion

7.10.1 ~~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. A Procedural Notice of Motion where notice has been properly given in accordance with subsection 7.14 shall be listed on the agenda for the Meeting, and may be dealt with at that meeting.~~

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

7.10.2 The Member who moved, or seconded, the procedural notice of motion is not required to be present when the related procedural notice of motion is considered. However, a new mover or seconder will be required for the notice of motion to be in order.

7.11 Unfinished Business

7.11.1 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.

7.12 Confidential ~~Reports~~Items

7.12.1 ~~Notwithstanding Sub-sections 8.1.14 and 8.2.15, t~~The Confidential ~~Reports~~ **Items** 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 4.8.~~

7.13 By-laws

7.13.1 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 and approved by Council or by Committee ~~and has been approved by Council.~~

7.13.2 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.

7.13.3 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.

7.13.4 The Municipal Clerk shall endorse, on all by-laws enacted by Council, the date of enactment.

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

- 7.13.5 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.
- 7.13.6 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.~~
- 7.14 Procedural Notices of Motion**
- 7.14.1 ~~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.~~ 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, shall be given to the Municipal Clerk including the date when it will be considered in writing, from the mover and seconder, prior to the Agenda deadline.
- 7.14.2 Where a Procedural Notice of Motion has been given under subsection 7.14.1, for a “motion to amend something previously adopted by Council” or a “reconsideration”, the details of the amendment and proposed new resolution for a reconsideration respectively shall be included in the Procedural Notice of Motion.
- 7.14.3 Where a Procedural Notice of Motion has been provided to the Municipal Clerk in accordance with the notice provided, prior to the Agenda Deadline, it shall be placed in the “Business Arising from Procedural Notices of Motion” section of the Council Agenda.
- 7.14.4 Where a Procedural Notice of Motion has been given under Sub-section 7.14.1, 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.
- 7.14.5 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.

The Corporation of the Municipality of Clarington
Procedural By-law 2021-xxx

7.15 Questions to Department Heads / Request for Staff Report(s) Other Business

7.15.1 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.

~~7.15.2 — A motion introducing new matters may only be introduced to Council, upon suspending the rules in accordance with Sub-section 2.2.~~

7.15.2 Notwithstanding subsection 7.15.1, Members of Council may introduce a motion to request a Staff report, under this section of the agenda, when there is an urgency and the request cannot be made at a Committee meeting. Such requests shall:

a) identify the appropriate Department;

b) the objective(s) of the report;

c) not contain a policy decision; and

a)d) not contain directions to Staff.

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.~~

~~8.1.2.5 — New Business introduced in accordance with Sub-section 8.1.2 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.~~

The Corporation of the Municipality of Clarington
Procedural By-law 2021-xxx

~~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.~~

8.1.2 Disclosure of Pecuniary Interest

8.1.2.1 See Sub-section 7.2.

8.1.3 Announcements

8.1.3.1 See Sub-section 7.3.

~~**8.1.4 Adoption of Minutes of Previous Meeting(s)**~~

~~8.1.4.1 8.1.4.2 The Chair shall ask for a motion to adopt the minutes from previous meeting(s).~~

8.1.4 Presentations

8.1.4.1 See Sub-section 7.4.

8.1.5 Delegations

8.1.5.1 See Section 9.

8.1.6 Reports / Correspondence Related to Delegations Presentations

8.1.6.1 See Sub-section 7.7.

8.1.7 Communications

8.1.7.1 See Section 7.8.

8.1.7.2 Minutes of external committees and boards, hall boards and BIA's shall be listed under this Section of the agenda.

~~All communications, designed to be presented to Council, which pertain to the mandate of the GG Committee and directly relates to Clarington, 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.~~

The Corporation of the Municipality of Clarington
Procedural By-law 2021-xxx

~~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) including their name and address, 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.~~

8.1.8 Staff Report(s) and Staff Memo(s)

8.1.8.1 All Staff reports and communications 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.

8.1.9 New Business - Consideration

8.1.9.1 Members may only introduce a motion on New Business provided that the matter was introduced in accordance with the notice provisions.

8.1.9.2 Notice of New Business items will be satisfied if a Member submits a New Business item, in writing, to the Municipal Clerk prior to the Committee Agenda deadline. The New Business Item will be included in the New Business – Consideration section of the Agenda.

8.1.9.3 Any changes in wording to a New Business item after publication of the Agenda, shall require an amendment.

8.1.9.4 If a Member submits a New Business item to the Municipal Clerk after the Committee Agenda Deadline and prior to the Committee Agenda Update Deadline, it will be included in the Committee Agenda Update under the New Business – Introduction section of the agenda, and it will require a 2/3 vote of the Members present, and voting at the meeting, to be added to the agenda for discussion under the New Business – Consideration section of the agenda with a note for the required 2/3 vote to be discussed.

The Corporation of the Municipality of Clarington
Procedural By-law 2021-xxx

- 8.1.9.5 If a Member submits a New Business Item, that is not included in the agenda, it shall be in writing, and shall not be considered until the next appropriate Regular Committee meeting.
- 8.1.9.6 A motion to request a report from Staff regarding a matter not listed on the agenda is not considered New Business but can be introduced under the "Requests for Staff Reports" section of the agenda.
- 8.1.9.7 No seconder will be required at the time of providing notice.
- 8.1.9.8 New Business items shall be regarding the mandate of the appropriate committee.

~~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~~

~~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.~~

~~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.~~

8.1.10 Unfinished Business

8.1.10.1 See Sub-section 7.11.

8.1.11 Questions to Department Heads / Request for Staff Report(s)

8.1.11.1 See Sub-section 7.15.

8.1.12 Confidential Reports/Items

8.1.12.1 The Confidential Reports/Items Section of the GG-Committee Agenda shall include any confidential GG-Committee Staff report (as outlined in Sub-section 8.1.11.1) that, due to the nature of the report should be considered by GG-Committee in a closed meeting in accordance with Sub-section 4.9.

The Corporation of the Municipality of Clarington
Procedural By-law 2021-xxx

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.~~

~~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.~~

8.2.2 Disclosure of Pecuniary Interest

8.2.2.1 See Sub-section 7.2.

8.2.3 Announcements

8.2.3.1 See Sub-section 7.3.

~~8.2.4 Adoption of Minutes of Previous Meeting(s)~~

~~8.2.4.1 The Chair shall ask for a motion to adopt the minutes from previous meeting(s).~~

8.2.4 Public Meetings

8.2.4.1 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.

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

- 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.~~
- d) Then the applicant or agent may make representation.

8.2.4.2 Public meetings, under the Planning Act, shall be limited to two public meetings per Planning and Development Committee meeting, unless otherwise agreed between the Municipal Clerk and the Director of Planning and Development Services.

8.2.4.3 After the Public Meeting has concluded, any related communications and the related report will be considered as determined by the Chair, without a need to alter the agenda.

8.2.5 Delegations

8.2.5.1 See Section 9.

8.2.6 Presentations

8.2.6.1 See Sub-section 7.4.

8.2.7 Reports / Correspondence Related to Delegations / Presentations

8.2.7.1 See Sub-section 7.7.

8.2.8 Communications

8.2.8.1 ~~See Sub-section 7.8. All communications, designed to be presented to Council, which pertain to the mandate of the PD Committee and directly relates to Clarington, 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.~~

The Corporation of the Municipality of Clarington
Procedural By-law 2021-xxx

~~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) including their name and address, 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.~~

8.2.9 Staff Report(s) and Staff Memo(s)

~~8.2.9.1 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. See Section 8.1.9.~~

8.2.10 New Business - Consideration

~~8.2.10.1 See Sub-section 8.1.10. 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.~~

~~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.~~

8.2.11 Unfinished Business

8.2.11.1 See Sub-section 7.11.

8.2.12 Questions to Department Heads / Request for Staff Report(s)

8.2.12.1 See Sub-section 7.15.

The Corporation of the Municipality of Clarington
Procedural By-law 2021-xxx

8.2.13 Confidential ~~Reports~~Items

- 8.2.13.1 ~~The Confidential Reports Section of the PD Committee Agenda shall include any confidential PD Committee Staff report (as outlined in Sub-section 8.2.12.1) that, due to the nature of the report should be considered by PD Committee in a closed meeting in accordance with Sub-section 4.8. See Section 8.1.13~~

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 ~~and not to enter into debate with the delegate.~~
- 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 ~~prior to the meeting~~. 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 Division to register for the Meeting. The delegate's electronic presentation must be provided to the Municipal Clerk's Division 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.
- 9.1.5 No further delegations may be made in respect of a delegation placed on an agenda in accordance with this Sub-section. ~~For clarity, a delegation cannot be a delegation to another delegation as a way of circumventing other rules outlined in this by-law.~~
- 9.1.6 ~~Persons desiring to verbally present information on matters of fact, or to make a request to Council, shall give notice, including the subject of their address and their desired action requested of Council, to the Municipal Clerk by the Agenda Update Deadline.~~
- 9.1.7 ~~No delegation may speak to matters described in section 2.5.~~

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

- 9.1.9 No delegation may speak to the same matter twice within the same meeting.
- 9.1.10 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 by the Agenda Update Deadline for the appropriate Standing Committee.
- 9.1.11 Where a delegation request is received after the Agenda Deadline and the matter is not included on the agenda for the meeting, then the request will not be placed on the immediate agenda but rather would be a future Agenda of the appropriate Standing Committee.
- 9.1.12 A delegation, not listed on the agenda, shall not be heard without the consent of at least 2/3 majority of the Members present and shall be pertaining to an item listed on the Agenda.
- 9.2 Delegations - 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 ~~was considered at is a 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 at the adoption of the agenda.
- 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

- 9.2.4 Delegations shall notify the Municipal Clerk no later than the Agenda Update Deadline but delegations are encouraged to register prior to noon on the Wednesday prior to the meeting to be included in the published agenda~~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.~~

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

Time Limits – Delegations

- 9.2.5 Each Delegation in respect of a particular matter shall be limited to ~~ten~~ (10)five (5) minutes in addition to the time taken by Council to ask questions of the delegate and to receive answers to such questions.

9.3 Delegations - 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.
 - 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 - Committee

- 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. See Section 9.2.5.~~

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. See Section 9.2.4~~

Disposition of Items

- 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.

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

9.3.6 Where there is no accompanying Staff report or Staff communication dealing with the subject of the delegation, the matter may be received or referred to Staff by a simple majority vote. All other motions require a 2/3 majority vote of Council for approval.

9.3.7 When considering the disposition of items related to:

a) Provincial legislation, Council's position shall be forwarded to the Association of Municipalities of Ontario (AMO) for review and consideration.

b) Federal legislation, Council's position shall be forwarded to the Federation of Canadian Municipalities (FCM) for review and consideration.

c) Forwarding Council's decision to all Ontario Municipalities, Staff shall forward to the Association of Municipalities of Ontario (AMO) for review and consideration and not to all municipalities.

9.3.8 When Council only receives a correspondence item for information, no correspondence shall be sent to the submitter.

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. See 9.2.5.~~

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, unless it is required as part of electronic meeting participation procedures as set out by the Municipal Clerk and is not required 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
Procedural By-law 2021-xxx

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.
- g) deviate from answering directly when answering a question.

9.7 Petitions

9.7.1 An organizer of a public petition may submit the petition for inclusion on the appropriate Committee agenda. That organizer shall provide their name, address, email, and telephone number with the petition. No petition shall be considered valid and accepted by the Municipal Clerk without the name and contact information of the organizer.

9.7.2 Any communication with respect to the petition will be with the organizer of the petition only.

9.7.3 Petitions shall contain the printed name, signature, and municipal address of the individuals signing it. Signatures without contact information, or who are not Clarington residents, shall be redacted by the individual or group submitting the Petition or it will not be accepted by the Municipal Clerk nor placed on an agenda.

9.7.3 The Municipal Clerk shall refuse to place a petition on the agenda where the subject matter:

- a) Does not meet the Communications criteria as outlined elsewhere in this By-law;
- b) Involves matters listed in section 2.5.

9.7.4 Signatories to a petition are deemed to have waived any expectation of privacy as a result of the record being created for review by the general public.

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

- 9.7.5 Petitions may be placed on agendas at the discretion of the Municipal Clerk, including the summarizing of the petition and numbers of signatories.

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 10.6.2. 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, or remove him from an electronic meeting but if the Member apologizes they may, by majority vote of the Members, be permitted to retake their 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.

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 them, 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.

10.3.2 Members may ask questions of Staff, with the Chair's permission, during any portion of a Council or Committee meeting if it pertains to a matter on the Agenda.

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

10.4 Point of Privilege

- 10.4.1 Where a Member considers that their 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.
- ~~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.~~
- 10.6.2 If the decision is appealed, the Chair will give concise reasons for their 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.

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

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 they are 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, by a simple majority, 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 on matters contained on the Agenda, following which the Member may speak.

10.12 Motions

Reading

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

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

~~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.~~

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

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

Withdrawn

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

No debate until properly moved and seconded

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

Motion Ruled Out of Order

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

Not within jurisdiction of Council

10.12.7 A motion in respect of a matter which requires the exercise of a legislative power by Council which is not within its jurisdiction, shall not be in order at a Meeting of Council or Committee unless it is for purposes of requesting a higher level of government to make changes to policy or legislation.

Matters and Motions Without Notice and Without Leave

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

- a) A Point of Order or Privilege;
- b) To adjourn;
- c) To suspend the Rules of Procedure;
- d) To table the question without direction or instructions;
- e) To divide;

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

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

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

- a) To refer;
- b) To table with instructions (instructions for tabling only to be debatable);
- c) ~~To amend;~~
- d) To extend the time of the Meeting;
- e) To receive for information or with thanks;
- f) To adopt the Minutes;
- g) To approve/receive the Standing Committee or Advisory Committee Minutes;
- h) To passing By-laws;
- i) To dispense with Consent Agendas; and
- e)j) That the Question Now be Put, and
- d) ~~To rescind.~~

Motion in Writing

10.12.10 Except as provided by Sub-section 10.12.8 and 10.12.9, all motions introduced at a ~~Council~~ Meeting shall be in writing unless listed in the Agenda.

Priority of Disposition

10.12.11 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 10.12.8 or 10.12.9.

Motion to Refer ~~or Commit~~

10.12.12 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.

10.12.13 A motion to refer a matter where an amendment is currently under consideration, shall be considered a motion to refer the original matter and any amendments that have been put to a vote, and shall include an amendment that has not yet been decided.

10.12.14 If communication items, or delegations, are referred to another Agenda item which is subsequently referred to a future meeting, there is no need to include the communication items, or delegations, in the Agenda of the subsequent meeting.

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

- 10.12.15 A motion to refer ~~or commit~~, or any amendment to it, is debatable and shall include:
- ~~The name of the committee or person to~~ To whom the matter is to be referred, which may be Council, Committee, a Department or a person, and
 - The terms for referring the matter and the time or period, if any, on or within which the matter is to be returned.

Motion to Amend

- 10.12.16 A motion to amend:
- Shall be presented in writing if requested by the Chair;
 - Shall relate to the subject matter of the main motion;
 - Shall not be received proposing a direct negative to the question; and
 - Shall be put to a vote in reverse order to the order in which the amendments are made.
- 10.12.17 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

- 10.12.18 ~~See Sub-section 7.14. 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 7.14, 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.~~
- 10.12.19 No motion to amend something previously adopted a decided matter of Council shall be in order when the original motion has been implemented resulting in a legally binding commitment that is in place on the date that a motion to reconsider, or amend, is to be debated.

Question Be Now Put

- 10.12.20 A motion that the question be now put:
- Is not debatable;
 - Cannot be amended;
 - Cannot be proposed when there is an amending motion under consideration, except for the purpose of moving that the amending motion be put;

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

- 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~~May 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

- 10.12.21 A motion simply to table ~~is not debatable~~cannot be debated or amended except where instructions are included, in which case, only the instructions shall be debatable. Such motion cannot be amended.
- 10.12.22 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.
- 10.12.23 A matter tabled at a Meeting of Committee may be lifted from the table by Council.
- 10.12.24 A matter tabled at Council may not be lifted from the table at a Meeting of Committee.
- 10.12.25 ~~A motion to lift a tabled matter from the table is not subject to debate or amendment.~~ A motion to table shall only be used to table a matter indefinitely. For clarity, if Council/Committee wishes to consider a matter at a future meeting, a referral motion would be in order.
- 10.12.26 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 **7.14**.

Motion to Divide

- 10.12.27 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. For clarity, a motion to divide shall be handled as follows:
 - a) Original motion is duly moved and seconded;
 - b) Mover and seconder for a motion to decide whether to divide ABC from the motion;
 - c) If the motion to divide passes, the Chair calls the vote on the balance;

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

- d) A new mover and seconder is required to move ABC and the Chair calls the vote on ABC.

Motion to Rescind

- 10.12.28 ~~See Sub-section 7.14. 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 7.14, 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.~~
- 10.12.29 A motion to rescind is not in order when action has been taken on the order of Council which it is impossible to reverse. The part of an order of Council which has not been acted upon, however, may be rescinded.

Reconsideration

- 10.12.30 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 7.14;
 - 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 unless the reconsideration is on a matter passed by a previous Council wherein a simple majority of the members present and voting is sufficient to reconsider the matter;
 - 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;
 - f) If a motion to reconsider is decided in the affirmative at a Meeting, the previously adopted resolution of Council remains in force unless and until Council adopts a new resolution; and

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

- g) A vote to reconsider a particular matter or decision will not be considered more than once during the term of Council.
- 10.12.30.1 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.
- 10.12.31 No motion to reconsider a decided matter of Council shall be in order when the original motion has been implemented resulting in a legally binding commitment that is in place on the date that a motion to reconsider, or amend, is to be debated.

Motion to Recess

- 10.12.32 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.
- 10.12.33 A motion to recess is not debatable, but is amendable as to the length of the recess.

Motion to Adjourn

- 10.12.34 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
Procedural By-law 2021-xxx

- 10.12.35 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 their 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 Except for a Recorded Vote, 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

Procedural By-law 2021-xxx

- 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 Member's vote shall be in alphabetical order of the Members present and voting. The Chair shall vote last.
- 10.13.14 The Municipal Clerk, or designate, shall announce the results of the Recorded Vote.

Consent Resolution

- 10.13.15 Should a Member wish to discuss an item on a consent resolution, including a change to the recommended motion, they would request the item be "pulled" from the consent resolution and that item would be discussed separately.
- 10.13.16 Should a Member have a pecuniary interest in an item on a consent resolution, the item shall be removed from the consent resolution and dealt with separately.
- 10.13.17 Should a Member wish to simply discuss an item on a consent resolution, but not change the recommended motion, the Member may do so without "removing" the item from the consent resolution.

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 in an electronic meeting, 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, except following award presentations;

The Corporation of the Municipality of Clarington

Procedural By-law 2021-xxx

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

Section 11 - Implementation

- 11.1 Any omissions, or failure to strictly comply, with this By-law or any other municipal legislation (including any notice which is substantively given but is irregular) will not invalidate the holding of a meeting or any proceeding or decision taken at the meeting.
- 11.2 By-law 2015-029 and all amendments thereto, including and may not be limited to By-laws 2016-075, 2016-082, 2018-002, 2018-012, 2018-073, 2019-011, 2019-057, 2020-022, 2020-046, 2020-060, 2020-077 are hereby repealed.
- 11.3 This Procedural By-law shall come into full force and effect on _____.

By-law passed in open session this ____ day of _____, _____.

~~ORIGINAL BY-LAW SIGNED~~