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Municipality of Clarington

Procedural By-law 2023-033

As of May 15, 2023

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

Table of Contents

Section 1 – Definitions and Interpretation 5

Section 2 – General Provisions 9

2.1 Applicability 9

2.2 Suspension of Rules and Policies 10

2.3 Issue not Addressed 10

2.4 General Principles 10

2.5 Electronic Participation 11

2.6 Agenda Restrictions 11

Section 3 – Duties of the Mayor and Council 12

3.1 Duties of the Mayor 12

3.2 Duties of the Chair 12

3.2 Appointment of Deputy Mayor 13

3.3 Participation of Chair in Debate 13

3.4 Duties of a Member of Council 13

Section 4 – Meetings 14

4.1 Place of Regular Meetings 14

4.2 Regular Meetings Schedule 14

4.3 Notice of Regular Meetings 14

4.4 Special Meetings 15

4.5 Notice of Special Meetings 15

4.6 Joint Meeting 15

4.7 Emergency Special Meeting 15

4.8 First/Inaugural Meeting of Council 16

4.9 Seating in Council Chambers 16

4.10 Quorum 16

4.11 Meetings Open to the Public 17

4.12 Closed Meetings 17

4.13 Length of Meetings and Scheduled Break 18

4.14 Portable Electronic Devices 18

4.15 Video Recording of Council and Committee Meetings 19

4.16 Cancellation or Changes to Meetings 19

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

Section 5 – Committees 19

5.1 General 19

5.2 Exceptions..... 20

5.3 GG Committee Mandate 20

5.4 GG Committee Reporting to Council 20

5.5 PD Committee Mandate 20

5.6 PD Committee Reporting to Council 20

Section 6 – Agendas and Minutes 21

6.1 Council Agenda 21

6.2 General Government Committee Agenda 21

6.3 Planning and Development Committee 22

6.4 Special Meeting Agendas..... 23

6.5 Addendum..... 23

6.6 Meeting Minutes..... 24

Section 7 – Agenda Item Description 24

7.1 Call to Order 24

7.2 Disclosure of Pecuniary Interest..... 25

7.3 Announcements 26

7.4 Presentations 26

7.5 Delegations 27

7.6 Delegations - To Council..... 29

7.7 Disposition of Items..... 29

7.8 Special Meetings..... 30

7.9 Conduct of Delegations and Presenters..... 30

7.10 Public Meetings..... 30

7.11 Consent Agenda 31

7.12 Items for Separate Discussion 31

7.13 Consideration of Minutes 31

7.14 Communications 32

7.15 Staff Reports and Staff Memos 33

7.16 New Business 33

7.17 Business Arising from Procedural Notices of Motion..... 34

7.18 Unfinished Business..... 35

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

7.19 Confidential Items 35

7.20 By-laws..... 35

Section 8 – Petitions..... 36

Section 9 – Rules of Debate and Conduct 37

9.1 Conduct of Members of Council or Members of Committees 37

9.2 Address the Chair 37

9.3 Order of Speaking 37

9.4 Point of Privilege 38

9.5 Point of Order..... 38

9.6 Appeal of Ruling of Chair 38

9.7 Members Speaking 39

9.8 Motion Read..... 39

9.9 Speak Once - Reply..... 39

9.10 Time Limit..... 39

9.11 Questions 39

9.12 Motions..... 39

Reading..... 39

Withdrawn 40

Seconding 40

Motion Ruled Out of Order 40

Not within jurisdiction of Council..... 40

Motions Without Notice and Without Leave..... 40

Motion in Writing 41

Priority of Disposition 41

Motion to Receive for Information or With Thanks 41

Motion to Alter the Agenda..... 41

Motion to Refer..... 42

Motion to Defer..... 43

Motion to Amend 43

Motion to Amend Something Previously Adopted 44

Motion to Call the Vote 45

Motion to Table 45

Motion to Divide 46

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

Motion to Rescind 47

Motion to Reconsider 47

Motion to Suspend the Rules of Procedure..... 48

Motion to Recess 49

Motion to Adjourn 49

9.13 Voting on Motions 51

 Unrecorded Vote 51

 Recorded Vote 51

9.14 Conduct of the Audience 52

Section 10 - Implementation 53

The Corporation of the Municipality of Clarington

By-law 2023-033

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 Advisory Committees and Boards, and to repeal By-law 2021-054.

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 Unless the context otherwise requires, in this Procedural By-law the words used in the singular includes the plural, and vice versa.
- 1.3 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:

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 for a Meeting or a portion of a Meeting. While acting as Chair the Member shall exercise all the powers and responsibilities of the Mayor under this Procedural By-law.

In the case of the GG Committee, Chair means the Council member appointed as the Chair for that timeframe, as provided for in this Procedural By-law.

In the case of the PD Committee, Chair means the member appointed as the Chair of the Planning and Infrastructure Services Department, as provided for in this Procedural By-law.

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

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

Consent Agenda means the portion of the agenda where items are approved in a single motion without debate, subject to the agreement of all Members.

Consent Resolution means two or more items that are approved in a single motion without debate.

Council means the Council of the Municipality of Clarington.

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

Debate means the discussion between two or more persons, on the merits of the Motion under consideration.

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.

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

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.

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

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

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

Mayor means the Head of Council.

Meeting, has the same meaning as Section 238 of the Municipal Act, and 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 or Committee.

Motion means a proposal moved by a Member and seconded by another Member, for the consideration of Council or Committee.

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 or their designate.

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.

Municipal Service Board means a board established by Council under section 196 of the Municipal Act, 2001.

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 during a Meeting drawing to the attention of the Chair a breach of the Rules of Procedure.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

Point of Privilege means the raising of a question that concerns a Member, or all of the Members, when a Member believes that their rights, immunities or integrity or the rights, immunities or integrity of Council or Committee as a whole have been challenged. A breach of privilege is a willful disregard by a Member or any other person of the dignity and lawful authority of Council.

Present means that a Member is in attendance at a meeting either in person or by electronic participation.

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 indefinitely;
- f) To defer;
- g) To lift from the table;
- h) To adjourn;
- i) To divide;
- j) To Call the Vote; or
- k) To suspend the Rules of Procedure.

Procedural Notice of Motion means a written notice, including the names 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.

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.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

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.

Special Meeting means a meeting of Council that was not a part of the regular meeting schedule. A special meeting may be called for Council, GG or PD.

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

Simple Majority means 50% + 1 of the Members present and voting:

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

Three-Quarters Majority (3/4) of the Members present and voting means:

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

Two-Thirds Majority (2/3) of the Members present and voting means:

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

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

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 Standing 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 2023-033

2.1.2 The rules governing the procedures and conduct of Members shall be observed in Advisory Committee and Local Board meetings with necessary modifications, except as otherwise provided in the Advisory Committee's or Local Board's Terms of Reference or by-laws.

2.1.3 Nothing in this by-law affects any delegation of authority to staff.

2.2 Suspension of Rules and Policies

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, with the exception of any rule which is required to be followed by law.

2.2.2 Suspension of Council policies or by-laws requires a vote of three-quarters (3/4) of the Members present and voting, with the exception of any rule which is required to be followed by law.

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 Chair, subject to an appeal to the Council or Committee, in session. A vote of the majority of the Members will decide the matter.

2.4 General Principles

2.4.1 The following general principles shall be observed by all Members participating in a meeting, and may be used by a meeting Chair for guidance in determining the appropriate course of action for any matter not addressed in these procedures:

- a) The majority of Members have the right to decide;
- b) All Members have the right to be heard;
- c) All Members have the right to information to help make decisions;
- d) All Members have a right to an efficient meeting;
- e) All Members have the right to be treated with respect and courtesy; and
- f) All Members have equal rights, privileges, and obligations.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

2.5 Electronic Participation

- 2.5.1 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.
- 2.5.2 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.
- 2.5.3 The protocol for participating electronically shall be set out by the Municipal Clerk and may be amended from time to time.
- 2.5.4 The Member shall have the same rights and responsibilities as if they were in physical attendance, including the right to vote, unless otherwise prohibited by law or in other subsections of this by-law.
- 2.5.5 Electronic participation is permitted for all Staff.
- 2.5.6 Delegates may participate electronically on request if the Clerk is of the opinion that the delegation can be facilitated electronically. All regular rules for delegations shall apply to delegates participating electronically.

2.6 Agenda Restrictions

- 2.6.1 The Municipal Clerk shall refuse, at the request of a member of the public, 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 2023-033

j) Otherwise not suitable for discussion.

2.6.2 Delegations and communication items may also be restricted. See the delegation and communication sections within this Procedural By-law.

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.

3.1.2 To authenticate, by signature, all by-laws.

3.1.3 The Mayor shall, by virtue of their office, be a member of all Committees with the same rights and privileges as all other members, including the right to vote and participate in debate, but shall not be eligible to be the Chair or Vice-Chair. The Mayor's absence from the meeting shall not be counted when determining quorum but the Mayor's presence at a meeting shall be counted towards quorum.

3.2 Duties of the Chair

- a) To open the Meeting of Council or 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;

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

- 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 rule on any Points of Order and Points of Privilege raised by Members of Council;
- m) 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; and
- n) Where the agenda includes a public meeting, the Chair shall preside in person. If the Member is not in person, another Member who is in person shall Chair that meeting.

3.2 Appointment of Deputy Mayor

- 3.2.1 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.

3.3 Participation of Chair in Debate

- 3.3.1 The Chair 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.

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 2023-033

- 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 GG Committee or PD Committee Meeting in accordance with this Procedural By-law; and
- d) to apply and respect the Rules of Procedure.

Section 4 – Meetings

4.1 Place of 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 determined by Council resolution.

4.2 Regular Meetings Schedule

- 4.2.1 The meeting schedule shall generally be based on a three-week rotation per month, beginning in September 2023, as determined by the Municipal Clerk.
- 4.2.2 Regular meetings shall not be scheduled during the week that the Monday is a public holiday. No regular meetings shall be held during the month of July, the month of August, or during any Spring Break scheduled for the public elementary and secondary schools in Clarington, or during the annual Association of Municipal Clerks and Treasurers of Ontario (AMCTO) conference or between Christmas and New Year's.
- 4.2.3 Council meetings shall be held at 6:30 p.m., PD Committee meetings shall be held at 5 p.m. and GG Committee meetings shall be held at 9:30 a.m.
- 4.2.4 No regular meetings of Council or Standing Committees shall be scheduled in the months of September, October, or November of the year of a regular municipal election.

4.3 Notice of Regular Meetings

- 4.3.1 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 the business day of the Friday preceding the regularly scheduled Meeting and on the Clarington website.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

4.3.2 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.

4.3.3 Notice which is substantively given but is irregular or not otherwise in strict compliance with these procedures shall not invalidate the holding of a meeting or any of the proceedings at a meeting.

4.4 Special Meetings

4.4.1 The Mayor may, at any time, call a special Meeting of Council, GG Committee or PD Committee, by writing to the Municipal Clerk stating the date, time, location, and purpose of the special meeting.

4.4.2 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 date, time, location, and purpose mentioned in the request.

4.4.3 No business other than that indicated in the written notice shall be considered at the special meeting except with the unanimous consent of all Members present and voting at such meeting.

4.5 Notice of Special Meetings

4.5.1 Notice of special Meetings shall be posted on the website not less than 24 hours before the time appointed for the special Meeting.

4.5.2 The written notice referred to in this Procedural By-law shall indicate the nature of the business to be considered at the special Meeting of Council or Committee, whether delegations will be heard, and the date, time, and place of the Meeting.

4.6 Joint Meeting

4.6.1 Joint Meetings may be called at the dates and times determined by Council resolution.

4.7 Emergency Special Meeting

4.7.1 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.

4.7.2 In the case of an emergency, Council may hold meetings at any convenient location within or outside the municipality, as determined by the Clerk in consultation with the Mayor and Chief Administrative Officer.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

- 4.7.3 No business other than the business dealing directly or indirectly with the emergency shall be transacted at the meeting.

Notice of Emergency Special Meetings

- 4.7.4 Where an Emergency special Meeting of Council is held in accordance with this Procedural By-law, 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 this Procedural By-law, indicate the nature of the business considered at the Emergency special Meeting.

4.8 First/Inaugural Meeting of Council

- 4.8.1 The first Meeting of Council shall be held within 31 days of taking office, pursuant to the Municipal Elections Act, 1996, at the time and location determined by the Clerk and Mayor.

4.9 Seating in Council Chambers

- 4.9.1 Seating at the Council table shall be in alphabetical order of the Members' surname, beginning in the most north/east position and proceeding clockwise.
- 4.9.2 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.
- 4.9.3 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.
- 4.9.4 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.

4.10 Quorum

- 4.10.1 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.
- 4.10.2 If a quorum is not present within thirty (30) minutes after the time appointed for a Meeting, the Municipal Clerk, 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.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

4.10.3 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 Procedural By-law. Any unfinished business will be placed on the agenda of the next regular meeting or other meeting called for that purpose.

4.11 Meetings Open to the Public

4.11.1 Subject to Sub-section 4.9, Meetings shall be open to the public and no person shall be excluded, except for improper conduct or required by statute.

4.12 Closed Meetings

4.12.1 Notwithstanding the previous section regarding “Meetings Open to the Public”, Council or Committee may, by resolution, close a Meeting or part of a Meeting to members of the public if the subject matter deals with any of the matters in Sub-section 239 (2) or 239 (3) of the Municipal Act, 2001.

4.12.2 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.

4.12.3 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.

4.12.4 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
- 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.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

4.12.5 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.

4.12.6 Notwithstanding Sub-section 4.12.5, 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.

4.12.7 At the conclusion of a closed meeting, a motion to rise from the closed meeting and proceed into an open meeting shall be adopted.

4.13 Length of Meetings and Scheduled Break

4.13.1 Meetings scheduled to commence at or before 9:30 a.m., and which are in session at 4:31 p.m., will be adjourned unless the rules are suspended to continue the meeting.

4.13.2 Meetings which are scheduled to commence at or after 5:00 p.m., and which are in session at 10:31 p.m., will be adjourned unless the rules are suspended to continue the meeting.

4.13.3 Where a meeting is scheduled to commence at or before 9:30 a.m., there shall be a scheduled 1-hour break at 12:00 noon unless otherwise determined by a vote of 2/3 of the Members present.

4.13.4 If a meeting is adjourned in accordance with section 4.13.1 or 4.13.2, prior to all agenda items being considered, all remaining items, except procedural items, shall be placed on the next regular committee meeting that the item would otherwise have been added to.

4.14 Portable Electronic Devices

4.14.1 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; email, or text each other or members of the public while the meeting is in session.

4.14.2 Despite Subsection 4.14.1, 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.

4.14.3 The use of portable electronic devices may be used as an interface to participate electronically in the meeting.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

4.15 Video Recording of Council and Committee Meetings

4.15.1 Meetings may be audio or video recorded, broadcast and / or livestreamed publicly by the municipality, except for Closed Meetings.

4.15.2 Meeting attendees may record all, or portions of, open meetings, provided that doing so is not disruptive to the meeting or other attendees.

4.16 Cancellation or Changes to Meetings

4.16.1 A meeting may be cancelled or changed by the Clerk 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, including inclement weather, at the discretion of the Chair or Clerk.

4.16.2 The Clerk shall ensure that notice of the cancellation is provided to all Members of Council as soon as possible after the cancellation.

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 Chair the GG Committee meetings in accordance with the following schedule:
 - Ward 1 Councillor – January and February
 - Ward 2 Councillor – March and April
 - Ward 3 Councillor – May and June
 - Ward 4 Councillor – September and October

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

- Regional Councillor (who is not appointed as the Chair of the PD Committee meetings) – November and December
- c) A Regional Councillor shall be appointed to Chair the PD Committee meetings by Council.
- d) In the absence of the Chair or during July and August, the Mayor shall Chair the meeting, and in the absence of the Mayor the Deputy Mayor.

5.2 Exceptions

- 5.2.1 Notwithstanding the Committee mandate outlined in this Procedural By-law, 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.

5.3 GG Committee Mandate

- 5.3.1 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.

5.4 GG Committee Reporting to Council

- 5.4.1 The GG Committee shall forward recommendations to Council via the committees minutes, for consideration at Council.

5.5 PD Committee Mandate

- 5.5.1 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.

5.6 PD Committee Reporting to Council

- 5.6.1 The PD Committee shall forward recommendations to Council via the committee minutes, for consideration at Council.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

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:

- Call to Order
- Moment of Reflection
- Land Acknowledgement Statement
- Disclosure of Pecuniary Interest
- Announcements
- Presentations / Delegations
- Consent Agenda
 - Council and Standing Committee Minutes
 - Advisory Committee and Local Board Minutes
 - Communications
 - Staff Reports and Staff Memos
 - By-laws
- Items for Separate Discussion
- 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
- Confirming By-law
- Adjournment

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

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

6.1.4 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 General Government 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:

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

Call to Order
Land Acknowledgement Statement
Disclosure of Pecuniary Interest
Announcements
Presentations / Delegations
Consent Agenda

- Communications
- Staff Reports and Staff Memos

Items for Separate Discussion
Unfinished Business
New Business
Confidential Items
Adjournment

6.2.2 The Municipal Clerk shall ensure that the GG Committee agenda is provided to each member no later than the end of day Thursday preceding the commencement of the regular GG Committee Meeting.

6.2.3 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 majority vote of the Members present and voting.

6.2.4 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
Disclosure of Pecuniary Interest
Announcements
Presentations / Delegations
Consent Agenda

- Communications
- Staff Reports and Staff Memos

Items for Separate Discussion
Unfinished Business
New Business
Public Meetings (6:30 p.m.)
Confidential Items
Adjournment

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

6.3.2 The Municipal Clerk shall ensure that the PD Committee agenda is provided to each member no later than the end of day Thursday preceding the commencement of the regular PD Committee Meeting.

6.3.3 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 majority vote of the Members present and voting.

6.3.4 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 Meeting 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 Special Meetings:

Call to Order
Land Acknowledgement Statement
Disclosure of Pecuniary Interest
Matters of Business
Adjournment

6.4.2 When preparing an agenda for a special meeting, the Clerk may include or exclude any headings appropriate for the special meeting.

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

6.5 Addendum

6.5.1 The Clerk may amend the agenda for a scheduled Council or Standing Committee meeting by way of an addendum.

6.5.2 The addendum shall only include additional items related to matters already on the agenda, or new items that in the opinion of the Clerk, in consultation with the Chief Administrative Officer, are time sensitive in nature.

6.5.3 Items to be included on the Addendum shall be received by the Agenda Update Deadline and will be published after that deadline.

6.5.4 Notice shall be deemed to have been given for all matters added to an agenda via an addendum.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

6.6 Meeting Minutes

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

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

Section 7 – Agenda Item Description

7.1 Call to Order

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

7.1.2 If the Chair does not attend within fifteen minutes after the time set for the Meeting and a quorum is present, the Mayor shall preside over the Meeting until the Chair is present at the Meeting and is able to perform the responsibilities of the chair.

7.1.3 If the Mayor is also not present within fifteen minutes after the time set for the Meeting and a quorum is present, the Deputy Mayor shall preside over the Meeting until the Chair or Mayor is present at the Meeting and is able to perform the responsibilities of the chair.

7.1.4 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, shall call the meeting to order, and the Members present shall appoint a 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.

7.1.5 A moment of reflection is called at the beginning of a Council meeting to allow Members to consider past and future actions that may be taken.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

7.1.6 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, a Land Acknowledgement Statement shall be read in accordance with the Land Acknowledgement Guidelines.

7.2 Disclosure of Pecuniary Interest

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

7.2.2 Where the meeting is not open to the public, in addition to declaring the conflict, the Member shall leave the meeting, or the part of the meeting, during which the matter is under consideration.

7.2.3 Where a Member is absent from a meeting which includes a matter on which they have a pecuniary interest, the Member shall disclose the interest at the next meeting attended by the Member.

7.2.4 The Clerk shall record any declarations of interest made by a Member in the meeting minutes, noting the matter and the general nature of the declaration.

7.2.5 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 move, second, or vote on any motion 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.

7.2.6 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.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

7.2.7 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, in the form determined by the Municipal Clerk.

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

- a) A copy of each statement filed under section 7.2.4; and
- b) A copy of each declaration recorded in the minutes.

7.2.9 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 minutes during which time they may announce or comment on community events and activities.

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 the Agenda Deadline.

Presentations shall include only the following:

- a) Presentations requested by Council; or
- b) Civic recognition / awards; or
- c) Presentations by Municipal Staff or consultants retained by the Municipality; or
- d) Presentations from senior levels of government; or
- e) Presentations deemed necessary by the Municipal Clerk, or as required by law.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

- 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, 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 p.m. on the business day preceding the commencement of the Meeting. Presentations will not be installed once the meeting has begun.

Presentations to Committee

- 7.4.3 Presentations scheduled to be made to Committee will be assigned to the appropriate Committee based on the presentation topic and the Committee mandate.
- 7.4.4 Upon receipt of the request for presentation as detailed in Sub-section 7.4.1, the Municipal Clerk, may schedule the presentation for a specified time during the Committee meeting. When exercising this option, the Municipal Clerk, shall include the scheduled presentation time on the meeting Agenda and shall notify the presenter of the scheduled presentation time.
- 7.4.5 Where the Municipal Clerk, has scheduled a presentation for a specified time, as per Sub-section 7.4.4, when that specified time arrives during the Committee meeting, the Committee shall set aside the matter currently before it, to allow the presentation to be heard as scheduled. Should there be a motion on the floor at the scheduled presentation time, that motion shall be considered immediately after the Presentation has concluded.

7.5 Delegations

- 7.5.1 All Delegations shall be directed to, and heard by, Committee except as otherwise provided for in this Procedural By-law.
- 7.5.2 Notwithstanding Sub-section 7.5.1, unless otherwise determined by the Municipal Clerk, Delegations shall not be added to the agenda or 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.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

- d) Speak to a previous decision of Council, that is within the same term of Council that the decision was made, unless a motion to reconsider or re-introduce the matter is presented to Council by a Member, or a report on the matter is included on the agenda.
- e) Speak to an Integrity Commissioner's report regarding a Member of Council.

7.5.3 Delegations shall be limited to a maximum of 15 per meeting.

7.5.4 Without leave of Council, members shall have one opportunity to ask questions of Delegations for the purpose of seeking clarification or additional information, and not to expand the scope of the delegation's remarks or for adding the Member's own statement through the delegation. Questions such as "are you aware" and "did you know" will be considered out of order, subject to the discretion of the Chair.

7.5.5 Members shall not enter into debate with the delegate.

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

7.5.7 Municipal audio-visual equipment may be used to assist in delegations, if permission has been obtained for use of such equipment from the Municipal Clerk, at the time the delegates(s) contacted 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 2:00 p.m. the business day preceding the commencement of the Meeting. Electronic presentations will not be installed once the meeting has begun.

7.5.8 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.

7.5.9 No delegation may speak to matters described in section 2.6.

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

7.5.11 Where a delegation request is received after the Agenda Deadline and the matter is included on an agenda for a meeting, the request will be added to the addendum for the applicable meeting if written notice to the Clerk is received, including the subject of their address and their desired action requested by Council, by the Agenda Update Deadline for the meeting.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

- 7.5.12 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. If the delegation is not pertaining to an item listed on the Agenda a suspension of the rules (3/4 vote) is required for the delegation to be heard.
- 7.5.13 Each Delegation in respect of a particular matter shall be limited to 10 minutes in addition to the time taken by Council to ask questions of the delegate and to receive answers to such questions.
- 7.5.14 An extension of 2 minutes may be provided to a delegation by passing a motion with a simple majority vote. All other extensions require the suspension of the rules of procedure.

7.6 Delegations - To Council

- 7.6.1 Delegations shall be restricted to speaking to matters included on the Council agenda for the Meeting in question.
- 7.6.2 Notwithstanding Sub-section 7.6.1, Delegations shall not be permitted to speak to a matter that was considered at a Standing Committee, or is the subject of a Staff report or matter included under Unfinished Business included on the Council agenda, where the Delegation spoke to the item at a Standing Committee meeting, including a Public Meeting, which is being reported to Council, unless a majority of the Members present vote in favour to hear the delegation.
- 7.6.3 Notwithstanding Sub-section 7.6.1, where the Municipal Clerk determines that the matter is of an urgent nature and there is insufficient time for a Delegation to be heard by a Standing Committee, subject to this Procedural By-law, the Delegation may be permitted to speak to Council on the matter.

7.7 Disposition of Items

- 7.7.1 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.
- 7.7.2 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.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

- 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.

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

7.7.4 A person wishing to make representation at a Planning Public Meeting, 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.

7.8 Special Meetings

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

7.9 Conduct of Delegations and Presenters

7.9.1 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;
- f) appropriate any unused time allocated to another Delegation or Presenter; or
- g) deviate from answering directly when answering a question.

7.10 Public Meetings

7.10.1 Shall follow the format developed by the Municipal Clerk and Director of Planning and Infrastructure Services.

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

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

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

7.11 Consent Agenda

7.11.1 Items that do not require discussion may be added under this section, however, any single Member may, at the beginning of this section, request that an item be removed from the consent agenda to change the recommended motion and to vote on separately.

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

7.11.3 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.

7.12 Items for Separate Discussion

7.12.1 Items that require or may need discussion, may be listed here and not within the consent agenda. This may include items pulled from the ECCIP.

7.13 Consideration of Minutes

7.13.1 Minutes of Standing Committees, Advisory Committees, Boards, and municipal service boards shall be listed under this Section of the Council agenda and may be disposed of through a single resolution.

7.13.2 Minutes from previous Standing Committees and Council meeting(s) shall be adopted and all other minutes shall be received for information.

7.13.3 Any Member may request that one, or more, recommendations contained in the Standing Committees minutes be extracted and voted on separately only for the purposes of changing the motion or holding a recorded vote. If the motion was lost at Standing Committee, a motion to consider the lost motion shall require a 2/3 majority vote, before discussion on the lost motion begins.

7.13.4 To approve a recommendation from a board or advisory committee a Member of Council shall remove it from the consent agenda and put forward a motion to approve the recommendation within the minutes of the board or advisory committee.

7.13.5 Minutes of previous meetings may be adopted without having been read at the meeting at which their adoption is considered.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

7.13.6 Minutes of Standing Committees approved at Council are not required to be added to the agenda or approved by a future Standing Committee meeting.

7.14 Communications

7.14.1 Where an item of correspondence is received and the subject matter pertains to an item on an agenda for a Council or Committee meeting, the correspondence shall be added to the agenda if received by the Clerk by the Agenda Update Deadline.

7.14.2 Where the Clerk received multiple copies of correspondence containing the same or similar information (such as a form letter), and the matter is on the agenda the Clerk may include one copy of the correspondence in the agenda and provide a summary of the remainder received.

7.14.3 The Municipal Clerk shall prepare an Electronic Council Communication Information Package (ECCIP) containing correspondence received by Staff for Council's information. This includes minutes of the Business Improvement Areas (BIAs).

7.14.4 The deadline for information to be included in the ECCIP is end of day Thursday, unless Friday is a holiday, then this deadline will move back a day.

7.14.5 The ECCIP shall be delivered electronically every Friday, unless Friday is a holiday, then this deadline will move back a day.

7.14.6 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 Standing Committee, as determined by the Clerk.

7.14.7 A member of the public can speak to an ECCIP item if they follow the delegation process, then the ECCIP item will be linked in the agenda.

7.14.8 The pulled item will be included on the agenda of the appropriate Standing Committee 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.

7.14.9 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 2023-033

- 7.14.10 Every communication to be presented to Council or Committee, 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.
- 7.14.11 Communications to be posted to the website may be abridged as determined by the Municipal Clerk to facilitate posting.
- 7.14.12 Communications related to a previous decision of Council shall not be considered by Council or a Committee within the same term of Council following the decision, unless a motion to reconsider or re-introduce the matter is presented to Council by a Member, or a report on the matter is included on the agenda.

7.15 Staff Reports and Staff Memos

- 7.15.1 The Staff Reports and Staff Memos Section of the Council agenda may include Removal of a Holding Symbol report upon urgent circumstances as determined by the Director of Planning and Infrastructure 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.
- 7.15.2 The Staff Reports and Staff Memos sections of the Standing Committees agendas, shall be pertaining to the Committee mandate, or other such matter as may be referred to the Committee by Council.

7.16 New Business

- 7.16.1 New Business items shall not be added to the Council agenda. New Business items may be added to a Standing Committee agenda and shall be regarding the mandate of the appropriate Standing Committee.
- 7.16.2 Members may only introduce a motion on New Business provided that the matter was introduced in accordance with the notice provisions.
- 7.16.3 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.
- 7.16.4 Any changes in wording to a New Business item after publication of the Agenda, shall require an amendment of the motion at the meeting.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

- 7.16.5 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 appropriate 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. A note for the “required 2/3 vote to be discussed” will be added to the agenda.
- 7.16.6 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.
- 7.16.7 No seconder will be required at the time of providing notice of the New Business item.
- 7.16.8 If a New Business Item is on the agenda, but the mover is not present at the meeting, and no other Member wishes to move the item, the item shall not be considered and will need to follow the notice provisions for the next applicable meeting.
- 7.17 Business Arising from Procedural Notices of Motion**
- 7.17.1 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. Procedural Notices of Motion received after the Agenda Deadline shall be placed on the next regular Council agenda.
- 7.17.2 Where a Procedural Notice of Motion has been given under subsection 7.17.1, 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.
- 7.17.3 Where a Procedural Notice of Motion has been given under Sub-section 7.17.1, the Procedural Notice of Motion shall be printed in full in the Agenda for that meeting of Council and each succeeding meeting until the motion is considered or otherwise disposed.
- 7.17.4 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 decided.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

7.17.5 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.

7.18 Unfinished Business

7.18.1 Any matters presented, considered, referred, tabled, or deferred, or any items not otherwise disposed of through the consideration of an agenda matter, shall be disposed of during this portion of the Meeting.

7.19 Confidential Items

7.19.1 The Confidential Items Section of the Agenda shall include any confidential items that, due to the nature of the item should be considered in a closed meeting in accordance with of this Procedural By-law.

7.20 By-laws

7.20.1 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;
- removal of holding symbol;

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

7.20.2 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.

7.20.3 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.

7.20.4 Every by-law 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.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

- 7.20.5 The Municipal Clerk is hereby authorized to make minor deletions, additions, or other administrative or typographical changes to any by-law to ensure that the correct and complete implementation of the actions of Council form the subject matter of the by-law.
- 7.20.6 If there is a substantive error in an approved by-law, this is not a reconsideration and Staff shall bring it to the attention of Council at its earliest convenience for consideration.

Section 8 – Petitions

- 8.1 An organizer of a public petition may submit the petition for inclusion on the appropriate Committee agenda. The 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.
- 8.2 Any communication with respect to the petition will be with the organizer of the petition only.
- 8.3 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.
- 8.4 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.
- 8.5 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.
- 8.6 Petitions may be placed on agendas at the discretion of the Municipal Clerk, or the petition may be summarized with a total number of signatories included.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

Section 9 – Rules of Debate and Conduct

9.1 Conduct of Members of Council or Members of Committees

9.1.1 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, past or present;
- 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 the Member to vacate the Council Chambers or room in which the Meeting is being held, or remove the Member 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.

9.2 Address the Chair

9.2.1 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.

9.3 Order of Speaking

9.3.1 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.

9.3.2 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 2023-033

9.4 Point of Privilege

9.4.1 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.

9.4.2 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 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.

9.4.3 Points of Privilege will only be recorded in the minutes if there is an appeal of the ruling of the Chair.

9.5 Point of Order

9.5.1 The Chair shall preserve order and decide on Points of Order.

9.5.2 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.

9.5.3 Points of Order will only be recorded in the minutes if there is an appeal of the ruling of the Chair.

9.6 Appeal of Ruling of Chair

9.6.1 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.

9.6.2 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 2023-033

9.6.3 A Member may request a recorded vote for an appeal of the ruling of the Chair.

9.7 Members Speaking

9.7.1 When a Member is speaking, no other Member shall pass between the Member and the Chair or interrupt the Member except to raise a Point of Order.

9.8 Motion Read

9.8.1 Any Member may request the motion under discussion to be read at any time during the debate but not so as to interrupt a Member while they are speaking.

9.9 Speak Once - Reply

9.9.1 No Member shall speak more than once to the same motion without leave of Council or Committee, by a simple majority vote, except that a reply shall be allowed to be made by Member if they are asked a question.

9.9.2 Notwithstanding section 9.9.1, Members may ask questions of each Member of the Public speaking at a Planning Public Meeting.

9.10 Time Limit

9.10.1 No Member, without leave of Council or Committee, as the case may be, shall speak to the same motion or in reply for longer than five (5) minutes.

9.11 Questions

9.11.1 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.

9.11.2 Notwithstanding Sub-section 9.11.1, when a Member has been recognized as the next speaker, such Member may ask a question through the Chair to any Member, the Chief Administrative Officer, or Department Head, or designate, but only for the purpose of obtaining information on matters contained on the Agenda, following which the Member may speak.

9.12 Motions

Reading

9.12.1 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 this Procedural By-law it shall be stated by the Chair before debate.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

- 9.12.2 Notwithstanding Sub-section 9.12.1, 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

- 9.12.3 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 or seconder at any time before the motion is put to a vote. If a mover or seconder wishes to withdraw the motion, the Chair shall ask if another Member wishes to move or second the motion before it is considered withdrawn.

Seconding

- 9.12.4 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 motion may be read before being put.
- 9.12.5 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 unless it was in the agenda.

Motion Ruled Out of Order

- 9.12.6 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

- 9.12.7 A motion in respect of a matter which in the opinion of the Municipal Solicitor 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.

Motions Without Notice and Without Leave

- 9.12.8 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 adopt the Minutes;
 - b) To approve/receive the Standing Committee or Advisory Committee Minutes;

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

- c) To pass By-laws; and
- d) To dispense with Consent Agendas.

Motion in Writing

9.12.9 Except as provided in this Procedural By-law, all motions introduced at a Meeting shall be in writing.

Priority of Disposition

9.12.10 A motion properly before Council or Committee for decision must be disposed of before any other motion can be received except a motion that may be introduced orally in accordance with this Procedural By-law.

Motion to Receive for Information or With Thanks

9.12.11 A motion to receive a matter for information or with thanks:

- a) May be moved or seconded by any Member;
- b) Shall not require notice to be introduced;
- c) May be submitted orally;
- d) May be debated;
- e) May be amended;
- f) May include additional instructions, and such instructions shall be submitted in writing;
- g) Shall require a majority vote to be adopted;
- h) If adopted, shall require that debate on the matter cease and the meeting proceed to the next item of business.

9.12.12 Where Council or Committee has adopted a resolution to receive a matter for information, further motions pertaining to that matter may be introduced at a later time without requiring a motion to reconsider.

Motion to Alter the Agenda

9.12.13 A motion to alter the agenda:

- a) May be moved or seconded by any Member;
- b) Shall not require notice to be introduced;

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

- c) May be introduced orally;
- d) Shall not be debated;
- e) May be amended, and such amendments shall not be debated;
- f) Shall not include additional instructions;
- g) Shall require a Majority Vote to be adopted; and
- h) If adopted, shall require that the Chair of the meeting address matters on the agenda in accordance with the amended order of business.

Motion to Refer

9.12.14 A Motion to Refer a matter:

- a) May be moved or seconded by any Member;
- b) Shall not require notice to be introduced;
- c) May be submitted orally;
- d) May be debated;
- e) May be amended;
- f) May include additional instructions, and such instructions shall include, 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 period, if any, on or within which the matter is to be returned;
- g) Shall be considered before all amendments to the main motion are considered;
- h) Shall require a Majority Vote to be adopted; and
- i) If resolved in the affirmative, shall require that consideration of the motion immediately cease and the meeting proceed to the next item of business.

9.12.15 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.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

- 9.12.16 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.
- 9.12.17 To allow for transparency for the public, if a Standing Committee refers an item to a future meeting, Council shall not consider the item without a $\frac{3}{4}$ majority vote prior to the future meeting to which it was referred.

Motion to Defer

- 9.12.18 A motion to Defer a matter:
- a) May be moved or seconded by any Member;
 - b) Shall not require notice to be introduced;
 - c) May be submitted orally;
 - d) May be debated;
 - e) May be amended;
 - f) Shall include the time and place to which the matter is proposed to be deferred;
 - g) Shall not include additional instructions;
 - h) Shall require a Majority Vote to be adopted; and
 - i) If resolved in the affirmative, shall require that consideration of the motion immediately cease and the meeting proceed to the next item of business, and the matter shall be added to the agenda of the future meeting to which it was deferred.
- 9.12.19 To allow for transparency for the public, if a Standing Committee defers an item to a future meeting, Council shall not consider the item without a $\frac{3}{4}$ majority vote prior to the future meeting to which it was deferred.

Motion to Amend

- 9.12.20 A motion to amend another motion at a meeting:
- a) May be moved or seconded by any Member;
 - b) Shall not require notice to be introduced;
 - c) Shall be presented in writing if requested by the Chair;

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

- d) Shall relate to the subject matter of the main motion;
- e) Shall not be received proposing a direct negative to the motion it seeks to amend;
- f) May be debated;
- g) May itself be amended, however only one amendment to an amendment may be considered at a time;
- h) Shall require a majority vote to be adopted;
- i) Shall be put to a vote in reverse order to the order in which the amendments are made; and
- j) If resolved in the affirmative, shall require that consideration of the motion continue as amended.

Motion to Amend Something Previously Adopted

9.12.21 A motion to amend something previously adopted:

- a) May be moved or seconded by any Member;
- b) Shall require notice to be given in accordance with this Procedural By-law;
- c) Shall be submitted in writing;
- d) May be debated, however debate shall be confined to reasons for or against the subject of the amendment;
- e) May be amended;
- f) May seek to amend all or only a portion of a motion;
- g) Shall only be considered by Council;
- h) Shall require a 2/3 Majority Vote to be adopted if the motion was adopted in the current term of Council or a simple majority vote if the motion was adopted by a previous term of Council; and
- i) If decided in the affirmative, shall require that amendment of the matter become the next item of business, unless the motion calls for a future date, and debate on the amended motion may proceed as though it previously had never been voted on.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

- 9.12.22 No “motion to amend something previously adopted” 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 amend, is to be debated.

Motion to Call the Vote

- 9.12.23 A motion that a vote on the matter be now taken:
- a) May be moved or seconded by any Member who has not already spoken on the matter;
 - b) May be made only by a Member who is recognized by the Chair and is on the Chair’s list of Members wishing to speak to the motion;
 - c) Shall not require notice to be introduced;
 - d) May be submitted orally;
 - e) Shall not be debated;
 - f) Shall not be amended;
 - g) Shall not include additional instructions;
 - h) May be proposed with respect to any motion currently under consideration;
 - i) Shall require a 2/3 Majority Vote to be adopted; and
 - j) If resolved in the affirmative, shall require that the motion be put to a vote immediately without further debate.

Motion to Table

- 9.12.24 A motion to Table a matter:
- a) May be moved or seconded by any Member;
 - b) Shall not require notice to be introduced;
 - c) May be submitted orally;
 - d) Shall not be debated;
 - e) Shall not be amended;
 - f) Shall not include additional instructions;

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

- g) Shall require a Majority Vote to be adopted; and
 - h) If resolved in the affirmative, shall require that consideration of the motion immediately cease and the meeting proceed to the next item of business.
- 9.12.25 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.
- 9.12.26 A matter tabled at a Meeting of Committee may be lifted from the table by Council.
- 9.12.27 A matter tabled at Council may not be lifted from the table at a Meeting of Committee.
- 9.12.28 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 motion to refer or defer would be in order.
- 9.12.29 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

- 9.12.30 A motion to divide a motion:
- a) May be moved or seconded by any Member;
 - b) Shall not require notice to be introduced;
 - c) May be submitted orally;
 - d) Shall not be debated;
 - e) Shall not be amended;
 - f) Shall not include additional instructions;
 - g) May propose that one or more clauses in a motion be voted upon separately, if they are distinct proposals;
 - h) Shall require a Majority Vote to be adopted; and
 - i) If resolved in the affirmative, shall allow for debate and voting on each clause of the motion separately, starting with the balance of the motion, then the clauses that have been divided.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

9.12.31 The divided clauses shall have the same mover and seconder as the original motion.

Motion to Rescind

9.12.32 A motion to rescind a previous resolution of Council:

- a) May be moved or seconded by any Member;
- b) Shall require notice to be given in accordance with this Procedural By-law;
- c) Shall be submitted in writing;
- d) May be debated;
- e) May be amended;
- f) Shall not include additional instructions;
- g) May seek to rescind all, or only a portion, of a motion;
- h) Shall only be considered by Council;
- i) Shall require a 2/3 Majority Vote to be adopted if the resolution to be rescinded was adopted within the current term of Council or a simple majority vote if the motion was adopted by a previous term of Council; and
- j) If decided in the affirmative, requires that the rescinded resolution previously adopted by Council is immediately of no further force or effect.

9.12.33 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.

Motion to Reconsider

9.12.34 A Motion to reconsider a previous resolution of Council:

- a) May be moved or seconded by any Member;
- b) Shall require notice to be given in accordance with this Procedural By-law;
- c) Shall be submitted in writing;

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

- d) May be debated, however debate shall be confined to reasons for or against the subject of the reconsideration;
- e) May be amended;
- f) May seek to reconsider all or only a portion of a motion;
- g) Shall only be considered by Council;
- h) Shall require a 2/3 Majority Vote to be adopted if the motion was adopted in the current term of Council or a simple majority vote if the motion was adopted by a previous term of Council; and
- i) If decided in the affirmative, shall require that reconsideration of the matter become the next item of business, unless the motion calls for a future date, and debate on the reconsidered motion may proceed as though it previously had never been voted on.

9.12.35 No discussion of the main motion shall be allowed until the motion to reconsider is adopted.

9.12.36 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.

9.12.37 A vote to reconsider a particular matter, or decision, will not be considered more than once during the term of Council.

9.12.38 Where a written decision of the Ontario Land Tribunal (OLT) 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 OLT. The matter shall be deemed not to be a "reconsideration" under this By-law.

9.12.39 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 is to be debated.

Motion to Suspend the Rules of Procedure

9.12.40 A motion to suspend the rules of procedure:

- a) May be moved or seconded by any Member;
- b) Shall not require notice to be introduced;
- c) May be introduced orally;

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

- d) Shall not be debated;
- e) Shall not be amended;
- f) Shall not include additional instructions;
- g) Shall require a Three-Quarters Vote to be adopted; and
- h) If adopted, shall require the Chair of the meeting to observe and enforce the rules of procedure as altered by the resolution.

Motion to Recess

9.12.41 A motion to recess a meeting:

- a) May be moved or seconded by any Member;
- b) Shall not require notice to be introduced;
- c) May be introduced orally;
- d) Shall not be debated;
- e) May be amended, and such amendments shall not be debated;
- f) Shall specify the amount of time the meeting shall stand recessed;
- g) Shall not include additional instructions;
- h) Shall require a Majority Vote to be adopted; and
- i) If resolved in the affirmative, requires that the Chair declare a recess and state the time that the meeting is scheduled to resume, which shall neither end the Meeting nor destroy its continuity and after which, proceedings shall immediately resume at the point where they were interrupted.

Motion to Adjourn

9.12.42 A motion to adjourn a meeting:

- a) May be moved or seconded by any Member;
- b) Shall not require notice to be introduced;
- c) May be introduced orally;
- d) Shall not be debated;

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

- e) Shall not be amended;
- f) Shall not include additional instructions;
- g) Shall be in order except:
 - i. When a Member is speaking or during the taking of a vote;
 - ii. immediately following the affirmative resolution of a motion that a vote on the matter be now taken; and
 - iii. When a Member has already indicated to the Chair that they wish to speak on the matter.
- h) Shall require a Majority Vote to be adopted;
- i) If resolved in the negative, shall not be made again until Council has conducted further proceedings; and
- j) If resolved in the affirmative, shall require that the meeting be adjourned immediately.

9.12.43 A motion to proceed beyond the scheduled adjournment time:

- a) May be moved or seconded by any Member;
- b) Shall not require notice to be introduced;
- c) may be introduced orally;
- d) Shall not be debated;
- e) Shall not be amended;
- f) Shall not include additional instructions;
- g) Shall be in order except when a Member is speaking or the Members are voting;
- h) Shall require a 3/4 Vote to be adopted;
- i) If resolved in the negative, the meeting shall be adjourned unless an alternative extension is proposed by a Member; and
- j) If resolved in the affirmative, shall require the Chair to continue the meeting until all matters are dealt with or until the new scheduled adjournment time.

The Corporation of the Municipality of Clarington

Procedural By-law 2023-033

9.13 Voting on Motions

- 9.13.1 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.
- 9.13.2 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.
- 9.13.3 If, during the call of the vote, there is ambiguity by a Member on what is being voted on, the Member may be afforded the clarity, the call for vote may start again, and a Member is entitled to change their vote.
- 9.13.4 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.
- 9.13.5 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.
- 9.13.6 A Member not in their seat when the question is called by the Chair is not entitled to vote on that question.
- 9.13.7 Each Member has only one vote.
- 9.13.8 The vote required to pass a motion shall be a simple majority except as otherwise provided by this Procedural By-law or by Statute.
- 9.13.9 Where a vote is taken and a tie results, the motion shall be deemed to have been decided in the negative.
- 9.13.10 Except for a Recorded Vote, the Chair shall announce the result of every vote.

Unrecorded Vote

- 9.13.11 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, or otherwise.

Recorded Vote

- 9.13.12 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 2023-033

- 9.13.13 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.
- 9.13.14 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.
- 9.13.15 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 first.
- 9.13.16 The Municipal Clerk, shall announce the results of the Recorded Vote.

9.14 Conduct of the Audience

- 9.14.1 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;
 - e) Behave in a disorderly manner; or
 - f) Make any other noise or sound that proves disruptive to the conduct of the meeting.

The Corporation of the Municipality of Clarington
Procedural By-law 2023-033

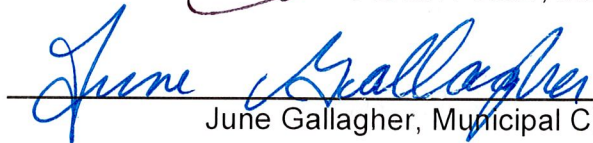
Section 10 - Implementation

- 10.1 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.
- 10.2 If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.
- 10.3 By-law 2021-054 and all amendments thereto, are hereby repealed.
- 10.4 This Procedural By-law shall come into full force and effect on the date of passing.

Passed in Open Council this 15th day of May, 2023



Adrian Foster, Mayor



June Gallagher, Municipal Clerk