



The Regional Municipality of Durham

Procedural By-law

By-law Number 44-2018

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By-law Number 44-2018

of The Regional Municipality of Durham

Being a by-law to adopt a quorum, govern the proceedings of council and its committees, the conduct of its members, and the calling of meetings.

Whereas Section 238(2) of the Municipal Act requires the Regional Council to pass a procedural by-law for governing the calling, place and proceedings of meetings of the Regional Council and any of its committees.

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. DEFINITIONS

1.1 In this By-law,

- (a) "Act" means the Municipal Act, S.O. 2001, c. 25, as amended or re-enacted from time to time;
- (b) "Acting Chair" means the Member appointed to act from time to time in the place and stead of the Chair under Section 242 of the Act;
- (c) "Chair" means the person presiding at a meeting;
- (d) "Clerk" means the Clerk of the Regional Corporation;
- (e) "Closed Meeting" means a meeting, or part of a meeting, which is closed to the public as permitted by the Act, also referred to as an "in-camera meeting";
- (f) "Committee" means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also Members of Regional Council, including a Standing or Special Committee of Council;
- (g) "Committee Chair" means the Chair of a Standing or Special Committee of Council;
- (h) "Committee of the Whole" means all the Members of the Council present sitting in Committee of the Whole;
- (i) "Committee Report" means a report from Committee of the Whole or a Special or Standing Committee of Council outlining the items approved by the Committee and being forwarded to Council for its consideration;
- (j) "Committee Vice-Chair" means the Vice-Chair of a Standing or Special Committee of Council;

- (k) "Council" means the Council of the Regional Corporation;
- (l) "Departmental Report" means a report from staff of the Regional Corporation submitted to Members of Council and included on an agenda for a Council or Committee meeting or included in the Council Information Package;
- (m) "Majority Vote" means an affirmative vote of more than one half of the Members present and voting;
- (n) "Meeting" any regular, special or other meetings of council, or of certain local boards or committees, where a quorum is present and where members discuss or otherwise deal with matters in a way that materially advances the business or decision making of the relevant body;
- (o) "Member" means a Member of the Council, or an alternate appointed under Sections 267 or 268 of the Municipal Act, 2001 while in attendance at the meeting;
- (p) "Members" mean the Members of the Council, including any alternates appointed under Sections 267 or 268 of the Municipal Act, 2001 while in attendance at the meeting;
- (q) "Motion" means a proposal moved by a Member and seconded by another Member, for the consideration of Council or a Committee;
- (r) "Point of Order" means a motion raised by a Member drawing attention to an infraction of this By-law;
- (s) "Point of Personal Privilege" means a motion concerning the health, safety, rights, or integrity of the Member, the Council, a Committee or anyone present at a meeting;
- (t) "Recorded Vote" means the making of a record of the name and the vote of each Member who votes on a question;
- (u) "Regional Chair" means the Head of Council;
- (v) "Regional Corporation" means The Regional Municipality of Durham;
- (w) "Resolution" means a motion that has been carried by Council;
- (x) "Rules of Procedure" means the rules and regulations which are set forth in this By-law;
- (y) "Substantive Motion" means any motion except one of the following:
 - (i) to refer;
 - (ii) to defer;

- (iii) to amend;
 - (iv) to table the question;
 - (v) to recess;
 - (vi) to vote on the question;
 - (vii) to reconsider;
 - (viii) to adjourn;
 - (ix) to divide.
- (z) "To Defer " means a motion to postpone all discussion or action on a matter until a future date or time, which is established as part of the motion;
- (aa) "To Refer" means a motion to direct the matter under discussion to Council, a Standing Committee, staff or another Committee for further consideration or review;
- (bb) "To Table" means a motion to postpone a matter without setting a future date or time for consideration and for which consideration may be resumed at any time by a motion to lift from the table;
- (cc) "Two-thirds Majority Vote" means an affirmative vote of at least two-thirds of the Members present and voting;
- (dd) "Website" means the official internet website of the Regional Corporation.

2. APPLICATION

- 2.1 The Rules of Procedure contained in this By-law shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business in Council, and, where applicable, in a Committee or in the Committee of the Whole.
- 2.2 Despite Section 2.1 of this By-law, the Rules of Procedure may be suspended by a two-thirds majority vote.
- 2.3 In any case for which provision is not made in this By-law, the procedure to be followed shall be determined by the Chair, subject to an appeal to Council.

3. CHAIR

- 3.1 The Regional Chair shall, by virtue of the office, be a member of all Committees with the same rights and privileges as all other members, but shall not be eligible to be the Chair or Vice-Chair of a Standing Committee.

4. ACTING CHAIR

- 4.1 The Council shall appoint, in alphabetical order of the area municipalities on a rotating basis, the head of each area municipality for a term of three months, to act in the place and stead of the Regional Chair when he/she is absent, refuses to act or the office is vacant, as it pertains to the role of presiding at meetings.

5. DUTIES OF REGIONAL CHAIR

- 5.1 It shall be the role of the Regional Chair to carry out the responsibilities set forth in the Municipal Act, 2001, Sections 225 "Role of head of council", and 226.1 "Head of council as chief executive officer".
- 5.2 The Regional Chair shall act as spokesperson and co-ordinate the presentation of the Region's position to the public and to other external public bodies, agencies and organizations.
- 5.3 Under the Rules of Procedure, it also shall be the duty of the Regional Chair:
- (a) to open the meeting of Council by taking the chair and calling the Members to order;
 - (b) to receive and submit, in the proper manner, all motions presented by the Members;
 - (c) to put to vote all questions, which are duly moved and seconded, and to announce the result;
 - (d) to decline to put to vote, motions which infringe upon the Rules of Procedure or which are beyond the jurisdiction of Council;
 - (e) to restrain the Members, when engaged in debate, within the Rules of Procedure;
 - (f) to enforce on all occasions, the observance of order and decorum by the Members and any other persons present in the Chamber;
 - (g) to call by name, any Member persisting in breach of the Rules of Procedure and to order him/her to vacate the Chamber in which the meeting is being held, but if the Member apologizes he/she may, by vote of the Council, be permitted to retake his/her seat;
 - (h) to authenticate by his/her signature, when necessary, all by-laws, resolutions and minutes of Committee of the Whole and Council;

- (i) to inform the Council on any point of order as seems necessary;
- (j) to represent and support the Council, declaring its will and implicitly obeying its decision in all things;
- (k) to perform other duties when directed to do so by a resolution of Council;
- (l) if he/she considers it necessary because of grave disorder, to adjourn the sitting without the question being put, or suspend the sitting for a time to be specified by him/her;
- (m) to ensure that no person except a Member, officer or employee of the Regional Corporation is permitted to enter upon the floor of the Chamber during the sittings of the Council without permission of the Chair or the Council.

6. FIRST MEETING OF COUNCIL

- 6.1 The first meeting of Council after a regular election shall be held after the councils of the area municipalities have held their first meetings, but in any event not later than thirty-one (31) days following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by By-law of the Regional Council.
- 6.2 The order of proceedings at the first meeting of Council after a regular election shall be as follows:
- (a) the filing of certificates in accordance with Section 232 of the Act:
 - (i) Regional Chair
 - (ii) Members of Council;
 - (b) declarations of office in accordance with the provisions of Section 232 of the Act:
 - (i) Regional Chair
 - (ii) Members of Council;
 - (c) inaugural address by the Regional Chair;
 - (d) appointment of Members to the Police Services Board;
 - (e) appointment of Standing Committee Chairs;
 - (f) appointment of Members to Standing Committees;
 - (g) passage of a confirming by-law.

7. APPOINTMENT OF COMMITTEES

7.1 The appointment of the Committee Chairs, Members of the Standing Committees and Members to the Regional Municipality of Durham Police Services Board shall be in the following order:

- (a) One Member to the Regional Municipality of Durham Police Services Board to be the Head of Council or designate;
- (b) A second and third Member to the Regional Municipality of Durham Police Services Board;
- (c) A Committee Chair for each Standing Committee;
- (d) Two Members to each Standing Committee;
- (e) Two further Members to each Standing Committee;
- (f) Two further Members to each Standing Committee.

7.2 The order in which Committee Chairs and Members are to be appointed to Standing Committees shall be decided by lot, drawn by the Clerk.

7.3 The appointments under Section 7.1 of this By-law shall be conducted at the first meeting of Regional Council after a regular election, and shall be conducted in the following manner, with modifications as necessary:

- (a) The Chair as Presiding Officer shall call for nominations;
- (b) Each nomination shall be regularly moved and seconded;
- (c) When there are no further nominations, the Chair shall call for a motion declaring nominations closed;
- (d) After nominations have been closed, the Chair shall ask each nominee if they wish to stand for election. If a nominee declines to stand, their name shall be withdrawn from the list of nominees;
- (e) If only one nominee stands for appointment, they shall be declared appointed;
- (f) When more than one nominee stands for appointment, a vote shall be taken;
- (g) To be appointed a nominee shall obtain a vote of the majority of the Members present and voting;
- (h) The vote shall be by roll-call of all Members present and voting, the order of which will be decided by lot, drawn by the Clerk;

- (i) The Clerk shall appoint, as required, members of his/her staff to act as scrutineers for the appointment;
- (j) If there are only two nominees who elect to stand:
 - (i) The nominee who receives the majority required to be appointed, shall be declared appointed; or
 - (ii) If there is an equality of votes, after three successive rounds of voting with the same results, a deadlock shall be declared and the Clerk shall conduct a draw by lot of the nominees, with the name of the nominee who is drawn being declared appointed.
- (k) If there are more than two nominees who elect to stand:
 - (i) The nominee who receives the majority required to be appointed, shall be declared appointed;
 - (ii) If no nominee receives the majority required to be appointed, the name of the nominee receiving the least number of votes shall be dropped and Council shall proceed with the next vote;
 - (iii) If two or more nominees are tied with the least number of votes, the Clerk shall conduct a draw by lot of the tied nominees until there is one name not drawn and the nominee who is not drawn, shall be dropped and Council shall proceed with the next vote;
 - (iv) Voting shall continue until either a nominee receives the majority required to be appointed or it becomes apparent by reason of an equality of votes or any other reason that no nominee can be appointed. After three successive rounds of voting with the same results, a deadlock shall be declared and the Clerk shall conduct a draw by lot of the nominees, with the name of the nominee who is drawn being declared appointed.

7.4 The Members of each Standing Committee shall appoint a Committee Vice-Chair at their first meeting of Committee after a regular election.

7.5 Each Member of Council shall serve on one of the Standing Committees.

7.6 Members appointed to the Regional Municipality of Durham Police Services Board shall also be a Member of a Standing Committee.

7.7 No Member except the Regional Chair shall serve on more than one Standing Committee.

7.8 The term of the Members to Standing Committees shall be for a two year term with appointments to be made at the first meeting of Council after a regular election and in December of the second year of the four year term of Council.

7.9 The term of the Members to the Regional Municipality of Durham Police Services Board shall be for the term of the Council.

8. COUNCIL MEETINGS

8.1 Place of Meetings

- (a) All meetings of Council shall be held in the Council Chambers in the Regional Headquarters building or at such other place within the Region of Durham or an adjacent municipality as Council from time to time appoints.
- (b) In the case of an emergency, Council may hold its meetings at any convenient location within or outside the municipality, as determined by the office of the Clerk, in consultation with the Regional Chair and Chief Administrative Officer.

8.2 Regular Meetings of Council

- (a) Regular meetings of Council shall be held on Wednesday at the hour of 9:30 AM in the fourth week of the monthly meeting schedule, except for the month of December when the meeting shall be held in the third week of the monthly meeting schedule, unless otherwise provided by resolution of Council.
- (b) Where a regular meeting of Council is scheduled on the same day as a public or civic holiday, Council shall meet at the same hour on the next following day, which is not a public or civic holiday, unless otherwise provided by resolution of Council.
- (c) No regular meetings of Council shall be held in the months of July and August.

8.3 Special Meetings of Council

- (a) A special meeting of Council may be called at any time by:
 - (i) The Regional Chair upon written direction to the Clerk stating the date, time and purpose of the special meeting, or
 - (ii) The Clerk upon written request by the majority of the Members, for the purpose and at the time mentioned in the request.
- (b) The Clerk shall give all Members written notice of a special meeting of Council at least twenty-four hours before the time appointed for such meeting.

- (c) Notice may be given by delivering the written notice personally to a Member; or by leaving such notice at his/her residence or place of business; or by facsimile transmission to such residence or place of business; or by electronic mail. Notice may also be provided by telephone or personal contact in case of an emergency.
- (d) The written notice to be given under clause 8.3 (b) shall indicate the nature of the business to be considered at the special meeting, date, time and place of the meeting.
- (e) 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.

8.4 **Emergency Meetings of Council**

- (a) An emergency meeting of Council may be held, without written notice, to deal with an emergency or extraordinary situation, including issues that may urgently affect the health or safety of residents.
- (b) The Clerk or designate shall notify all Members of the meeting as soon as possible and in the most expedient manner available.
- (c) The Clerk or designate shall attempt to notify the public of emergency meetings and publish an agenda as soon as possible and in the most expedient manner available.
- (d) No business other than the business dealing directly with the emergency shall be transacted at the meeting.

8.5 **Electronic Participation at Meetings**

- (a) Electronic participation may be allowed for a member of Council, of a local board or of a committee of either of them in accordance with Section 238 (3.1) of the Municipal Act; for greater clarity this includes Advisory Committees, Standing Committees, Committee of the Whole, Regional Council and local board meetings. Members participating electronically may count towards determining whether a quorum of members is present and may participate in a meeting which is closed to the public.
(By-law 33-2020)
- (b) Where the Rules of Procedure conflict with the need to facilitate electronic participation, the Chair, in consultation with the Regional Clerk, shall have the authority to modify the Rules of Procedure to ensure Members can effectively participate in the meeting.
- (c) The Regional Clerk, in consultation with the Chair, shall establish practices and procedures for electronic participation.

- (d) Members must notify the Clerk prior to the meeting of their intent to participate electronically.
(By-law 33-2020)
- (e) The meeting shall begin with a roll call to determine which members are participating electronically. Members will be required to audibly indicate their presence, or they will be noted as absent.
- (f) All votes during a meeting where some or all members are participating electronically shall be recorded votes, unless otherwise determined by the Chair.
- (g) Should a member of the public request to provide their delegation through electronic participation and the Clerk believes that electronic participation by the public can be facilitated, they will be requested to provide their comments in writing to the Clerk prior to the meeting and the comments will be distributed to members of Council. The remainder of the regular rules for delegations as set out in this by-law shall apply.
- (h) The Regional Clerk may provide for the electronic participation of Staff, including electronic participation of the Clerk
(By-law 27-2020)

8.6

Electronic Participation at Meetings During Emergencies

- (a) Should a state of emergency be declared in accordance with the Emergency Management and Civil Protection Act, electronic participation may be allowed for a member of Council, of a local board or of a committee of either of them in accordance with Section 238 (3.3) of the Municipal Act; for greater clarity this includes Advisory Committees, Standing Committees, Committee of the Whole, Regional Council and local board meetings. Members participating electronically may be counted in determining whether a quorum of members is present and may participate electronically in a meeting that is closed to the public.
(By-law 27-2020 and 33-2020)
- (b) Where the Rules of Procedure conflict with the need to facilitate electronic participation, the Chair, in consultation with the Regional Clerk, shall have the authority to modify the Rules of Procedure to ensure Members can effectively participate in the meeting.
- (c) The Regional Clerk, in consultation with the Chair, shall establish practices and procedures for electronic participation.
- (d) Members must notify the Clerk prior to the meeting of their intent to participate electronically.

- (e) The meeting shall begin with a roll call to determine which members are participating electronically. Members will be required to audibly indicate their presence, or they will be noted as absent.
- (f) All votes during a meeting where some or all members are participating electronically shall be recorded votes, unless otherwise determined by the Chair.
(By-law 27-2020)
- (g) The Chair, in consultation with the Regional Clerk, may exclude members of the public from attending the meeting depending on the nature of the emergency.
- (h) Where circumstances allow, meetings will be livestreamed.
- (i) In the event that members of the public are not permitted to attend a meeting in-person due to the emergency, and electronic participation of the public cannot be facilitated, the public will be requested to provide their comments in writing to the Clerk prior to the meeting and the comments will be distributed to members of Council. In the event the Clerk believes that electronic participation by the public can be facilitated, then the Clerk shall make this option available upon receiving a written request to appear as a delegation. The remainder of the regular rules for delegations as set out in this by-law shall apply.
- (j) The Regional Clerk may provide for the electronic participation of Staff, including electronic participation of the Clerk.
(By-law 13-2020)

8.7 Change of Date and/or Time of Regular Council Meetings

- (a) Where the Regional Chair considers it necessary because of exceptional circumstances to change the date or the time, or both, of a regularly scheduled meeting of Council, he/she shall direct the Clerk to ascertain the views of the Members via email concerning the proposed change.
- (b) Where the Clerk ascertains that a majority of the Members have no objection to the proposed change, he/she shall notify the Regional Chair in writing and give notice of the change to all Members in the manner set forth in clauses 8.3 (b) and (c) of this By-law.

8.8 Cancellation of Council Meetings

- (a) A regular, special or emergency meeting of Council may be cancelled in any of the following circumstances:
 - (i) If the Clerk determines in advance that quorum will not be achieved;

- (ii) If the meeting is cancelled by Council resolution; or
 - (iii) In the event of exceptional circumstances, at the discretion of the Regional Chair or Clerk.
- (b) The Clerk shall give notice of the cancellation to all Members of Council in the manner set forth in clauses 8.3 (b) and (c) of this By-law.

8.9 Public Notice of Council Meetings

- (a) Pursuant to Section 238 of the Municipal Act, public notice for regularly scheduled Council meetings shall be deemed to be given by making the agenda available in the office of the Clerk and by posting on the Regional website by the Friday preceding the regularly scheduled meeting. For special meetings notice shall be posted on the Regional website at least twenty-four hours preceding the meeting.
- (b) The Clerk may amend the agenda for regularly scheduled Council meetings, by way of an addendum, to add matters to the agenda, such as correspondence and delegations. The addendum may be presented at the meeting and notice shall be given by an advisory email to members of Council summarizing any additions on the day preceding the Council meeting and making the addendum available in the office of the Clerk by no later than 9:00 AM on the day of the meeting at which it is to be presented.
- (c) Notice which is substantively given but is irregular or not otherwise in strict compliance with this By-law will not invalidate the holding of a meeting or any proceeding taken at a meeting.

9. DELEGATED HEARING OR MEETING

- 9.1 Where any statute confers a right to be heard by Council before the passing of a by-law, or where Council by statute is required to hold a public meeting before the passing of a by-law, such a meeting or hearing may be held at the Committee having jurisdiction over the subject matter of the by-law.

10. CLOSED MEETINGS

- 10.1 A meeting or part of a meeting may be closed to the public, in accordance with Section 239 of the Municipal Act, if the subject matter being considered is,
- (i) the security of the property of the Regional Corporation;
 - (ii) personal matters about an identifiable individual, including employees of the Regional Corporation;
 - (iii) a proposed or pending acquisition or disposition of land for Regional Corporation purposes;

- (iv) labour relations or employee negotiations;
- (v) litigation or potential litigation, including matters before administrative tribunals, affecting the Regional Corporation;
- (vi) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (vii) a matter in respect of which Council may hold a closed meeting under another Act;
- (viii) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- (ix) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (x) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- (xi) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

10.2 A meeting or part of a meeting shall be closed to the public if the subject matter being considered is:

- (i) a request under the Municipal Freedom of Information and Protection of Privacy Act; or
- (ii) an on-going investigation respecting the municipality, a local board, or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in Subsection 223.13(1) of the Municipal Act, or the investigator referred to in Subsection 239.2(1).

10.3 A meeting of Council may be closed to the public if the meeting is held for the purpose of educating or training Members and no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council.

- 10.4 Before holding a meeting or part of a meeting that is to be closed to the public, a motion to proceed into closed session shall be received stating,
- (i) The fact of holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
 - (ii) in the case of a meeting under Section 10.3 of this By-law, the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under subsection 239 (3.1) of the Municipal Act.
- 10.5 A meeting shall not be closed to the public during the taking of a vote, except where a closed meeting is permitted under Section 10 of this By-law and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Regional Corporation or persons retained by or under a contract with the Regional Corporation.
- 10.6 After holding a closed meeting, a motion to rise from the closed meeting and proceed into public session shall be received.
- 10.7
- (i) The verbal communications of Members which are made during closed meetings shall be confidential communications, and the disclosure, recording or transcribing of such communications is prohibited.
 - (ii) Any person found by the Member chairing the meeting to be in contravention of this section shall be reprimanded and ordered to vacate the meeting, but if the Member apologizes to the Members present, disengages the transcribing device and erases the recording or transcription, he/she may, by vote of the Council, be permitted to retake his/her seat.
- 10.8 The Clerk shall cause minutes to be taken of each closed session, which shall include:
- (i) the place, date and time of the meeting;
 - (ii) the names of the presiding officer or officers and the record of the attendance of the Members; and
 - (iii) all other proceedings at the meeting, without note or comment.
- 10.9 Should a report be issued by a Closed Meeting Investigator which finds that a meeting or part of a meeting that was the subject of an investigation by that person appears to have been closed to the public contrary to Section 239 of the Act or to this procedure by-law, Council must pass a resolution advising how it intends to address the report.

11. CALLING OF MEETING TO ORDER

11.1 As soon after the hour fixed for the holding of the meeting of the Council as a quorum is present, the Regional Chair shall call the Members to order.

12. ABSENCE OF CHAIR

12.1 If the Regional Chair does not attend a meeting of Council within fifteen minutes after the time appointed, the Clerk shall call the Members to order and the Acting Chair shall preside until the arrival of the Regional Chair.

12.2 If the Acting Chair is not present at the time when the Clerk calls the Members to order, the Members present shall appoint a Member who shall preside until the arrival of the Regional Chair or Acting Chair.

12.3 While presiding over a meeting of Council, the Acting Chair or Member appointed to preside over the meeting has and may exercise all the rights, powers and authority of the Regional Chair under this By-law.

12.4 The Regional Chair may state relevant facts and the Chair's position or advise on any matter before Council without vacating the chair, but the Acting Chair shall assume the chair when the Regional Chair is temporarily absent from the meeting, is taking part in debate on a question or is presenting a motion.

12.5 At no time shall an alternate member (as appointed by a lower-tier municipality under Section 268 of the Municipal Act, 2001) be permitted to act as the Acting Chair. If an alternate is substituting for the Councillor who is the Acting Chair for that specified period, then the procedures outlined in Section 12.2 of this By-law shall be followed.

13. QUORUM

13.1 Fifteen Members of the Council representing at least four area municipalities are necessary to form a quorum.

13.2 If a quorum as required by Section 13.1 of this By-law is not present within thirty minutes after the time appointed for a meeting of Council, the 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 the provisions of this By-law.

13.3 If during the course of a meeting a quorum is lost, then the meeting shall stand adjourned and any unfinished business will be taken up at the next regular meeting or other meeting called in accordance with the provisions of this By-law. Prior to adjourning a meeting under this section, the Chair may recess the meeting to determine if a quorum can be found.

14. ORDER OF PROCEEDINGS IN COUNCIL

14.1 The order of business for the regular meetings of the Council shall be as follows:

- (a) Traditional Territory Acknowledgement *(By-law 61-2019)*
- (b) Roll Call
- (c) Declarations of Interest
- (d) Adoption of Minutes
- (e) Presentations
- (f) Delegations
- (g) Reports related to Delegations/Presentations
- (h) Communications
- (i) Committee Reports and any related Notice of Motions
 - Finance and Administration
 - Health and Social Services
 - Planning and Economic Development
 - Works
 - Committee of the Whole
- (j) Notice of Motions
- (k) Unfinished Business
- (l) Other Business
- (m) Announcements
- (n) By-laws
- (o) Confirming By-law
- (p) Adjournment *(By-law 34-2020)*

14.2 All business shall be taken up in the order in which it appears on the agenda unless otherwise decided by majority vote.

15. AGENDA IN COUNCIL

15.1 Traditional Territory Acknowledgment

- (a) The following will be read by the Regional Chair at the start of every Council meeting:

We are currently located on land which has long served as a site of meeting and exchange among the Mississaugas Peoples and is the traditional and treaty territory of the Mississaugas of Scugog Island First Nation. We honour, recognize and respect this nation and Indigenous Peoples as the traditional stewards of the lands and waters on which we meet today.

(By-law 61-2019)

15.2 Declarations of Interest

- (a) Where a Member has a pecuniary interest as defined in the Municipal Conflict of Interest Act, the Member shall prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof and shall not take part in the discussion of, or vote on any question in respect of the matter and shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
- (b) 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 except if the matter under consideration is whether to suspend the remuneration paid to a member under section 223.4 (5) or (6) of the Municipal Act, the member may take part in the discussion of the matter, including making submissions to Council and may attempt to influence the voting on any question in respect of the matter, however, the member is not permitted to vote on any question in respect of the matter.
- (By-law 10-2019)*
- (c) 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.
- (d) 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.
- (e) Any verbal declarations made under Section 14.1 of this By-law shall also be submitted in writing to the Clerk using the prescribed form and shall be made available in the office of the Clerk and through an online registry.

15.3 **Announcements**

- (a) Announcements by Members shall be limited to two minutes each.
- (b) Announcements will not be recorded in the minutes.

15.4 **Minutes and Agenda**

- (a) The Clerk shall prepare an agenda with a list of the items in the order of topics set out as the order of business in Section 14.1 of this By-law for the use of each Member at a regular meeting.
- (b) The Clerk shall cause minutes to be taken of each meeting of Council, which shall include:
 - (i) the place, date and time of the meeting;
 - (ii) the names of the presiding officer or officers and the record of the attendance of the Members, including the nature of the absence, if the Legislative Services Division is advised in advance of the meeting, or within 24 hours of the termination of the meeting;
 - (iii) the reading, if requested by a majority of Members present and voting; any correction, if necessary; the adoption of the minutes of the previous meeting; and the declarations of interest;
 - (iv) all other proceedings of Council without note or comment.
- (c) The Clerk shall ensure that the minutes of the last regular meeting of Council and of all special, closed or Committee of the Whole meetings held more than three days prior to the agenda distribution (excluding weekends and statutory holidays) are included in the next regularly scheduled Council agenda.
- (d) Minutes referred to in clause 15.4 (b) may be adopted by Council without having been read at the meeting at which the question of their adoption is considered.

15.5 **Communications**

- (a) Communications intended to be presented to the Council shall:
 - (i) include the author's full name (first and last) and municipal address;
 - (ii) be legibly written or printed;
 - (iii) not contain any improper matter or language; and
 - (iv) be filed with the Clerk.

- (b) The Clerk shall prepare a Council Information Package listing all items of correspondence received by the Clerk for information of Council. The Council Information Package shall be delivered electronically directly to each Member of Council every Friday.
- (c) A Member of Council may request in writing to the Clerk that an item from the Council Information Package be lifted and included on the next agenda of the appropriate Committee of Council as determined by the Clerk in consultation with the Member of Council. The item will be included on the agenda of the next regularly scheduled meeting of the appropriate Committee of Council if submitted to the Clerk not later than Wednesday noon the week prior to the meeting.
- (d) Communications from a lower-tier municipality within the Regional Municipality of Durham requesting or requiring action by Council shall be included on the next agenda of the appropriate Committee of Council as determined by the Clerk.
- (e) 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.
- (f) 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 for the applicable meeting if received by the Clerk by noon the day preceding the meeting.
- (g) The Clerk shall prepare a summary of the substance of any correspondence to be included on a Council or Committee agenda.
- (h) Correspondence on any subject within the purview of a Committee shall be referred directly to that Committee of Council.

15.6 Presentations

- (a) Presentations may be permitted at the request of Council, Committees, or Regional staff. Other than presentations by Regional staff with background material related to a report on the agenda, presentations shall be limited to 10 minutes and shall be limited to:
 - (i) award presentations; or
 - (ii) presentations by Regional staff, outside agencies/organizations or consultants retained by the Region, including programs, policies and practices of the Region.
- (b) Presentation requests shall be submitted to the Clerk not later than Wednesday noon the week prior to the meeting.

15.7 Delegations

- (a) Persons desiring to verbally present information on matters of fact or to make a request to Council shall give written notice to the Clerk no later than Wednesday noon the week prior to the meeting.
- (b) Delegations shall be directed by the Clerk to the appropriate Committee of Council, except where the delegation wishes to address Council with respect to a matter which will be put forward directly to Council without first being considered by a Committee.
- (c) Delegations shall be heard by the appropriate Committee of Council provided that they have met the requirements included in Section 15.7 of this By-law, except where there is a statutory right to be heard.
- (d) Where a request is received after Wednesday noon the week prior to the meeting and the subject matter is included on an agenda for a meeting, the request will be added to the addendum for the applicable meeting if written notice to the Clerk is received by noon the day preceding the meeting.
- (e) Where a request is received after Wednesday noon the week prior to the meeting and the matter is not included on the agenda for the meeting, then the request will be placed on the agenda of the next regular meeting of the Committee of Council.
- (f) Delegations will be permitted from the gallery without prior registration only during statutory public meetings under the Planning Act or any other legislation, as required. Delegations are not required to give written notice to the Clerk but are encouraged to do so in order to facilitate the efficient conduct of the meeting.
- (g) Delegations may be heard at Council provided they have first appeared before the Committee of Council responsible for the matter. A delegation that did not appear before a Committee requires a two-thirds majority vote to be heard by Council, except where the delegation wishes to address Council with respect to a matter which will be put forward directly to Council without first being considered by a Committee.
- (h) Delegations may not appear at a Committee of the Whole meeting unless the matter is included on the agenda.
- (i) Delegations related to labour relations, ongoing legal proceedings or solicitation of business will not be considered by Council or a Committee unless a written copy of their presentation is provided to the Clerk at least 48 hours prior to the meeting. If the presentation contains information which in the opinion of the Clerk should be dealt with in a closed session, the Clerk shall advise the Chair prior to the delegate speaking.

- (j) Delegations related to a previous decision of Council shall not be considered by Council or a Committee within 12 months following the decision of Council unless a motion to reconsider or re-introduce the matter is presented to Council pursuant to Section 19.15 or 19.16 of this By-law.
- (k) Delegations may only appear once on a matter within six (6) months, unless a recommendation pertaining to the matter is included on the agenda within the six (6) months.
- (l) Delegations shall be limited to speak not more than five (5) minutes, with the exception that a delegation consisting of more than five persons shall be entitled to two speakers with each limited to speak not more than five (5) minutes. A single two minute extension may be granted by a majority vote.
- (m) Delegations shall submit any electronic presentations at least twenty-four (24) hours prior to the commencement of the meeting.
- (n) Delegations requesting to appear before a Committee of Council will be requested to provide a written copy of their submission, if available, to the Clerk prior to the commencement of the meeting.
- (o) Delegations requesting to appear before Council shall submit a written copy of their presentation or an outline of their delegation at least 24 hours prior to the Council meeting. A delegation that did not submit a written copy of their presentation or an outline of their delegation at least 24 hours prior to the Council meeting requires a two-thirds majority vote to be heard by Council.

15.8 **Committee Reports**

- (a) The Committee Chair or Vice-Chair shall present the Reports of Committees.
- (b) Council may adopt, reject, amend, table or refer back with or without instructions, any or all items included on the Report of a Committee.
- (c) The Members of Council shall, following disposition of each Committee Report in the agenda, be permitted to question the Committee Chair on matters not necessarily included in the minutes of the Committee or the Report of such Committee, subject to the Chair intervening if she/he deems it necessary to continue the agenda. Such ruling by the Chair to be subject, if challenged, to a decision of Members.

15.9 **Departmental Reports**

- (a) Departmental reports shall be presented to the Committee of Council responsible for the matter, unless there is a legislated requirement or a resolution of Council directing the matter to come directly to Council.
- (b) Departmental reports of an urgent nature which have not been considered by a Committee of Council shall be listed under the Other Business section of the agenda for Council's consideration, at the discretion of the Clerk, in consultation with the Regional Chair and Chief Administrative Officer.
- (c) Departmental reports for information shall be included in the Council Information Package which is sent out electronically to all Members of Council every Friday.
- (d) For exceptions where it is necessary for an information report to be discussed at a Committee of Council, the appropriate Department Head may request the Clerk to include the information report on the appropriate Committee agenda.
- (e) A Member of Council may request in writing to the Clerk that an information report from the Council Information Package be lifted and included on the next agenda of the appropriate Committee of Council. The item will be included on the agenda of the next regularly scheduled meeting of the appropriate Committee of Council if submitted to the Clerk not later than Wednesday noon the week prior to the meeting.
- (f) Departmental reports submitted to a Committee of Council for information shall not be presented to Council through the Committee Report to Council, unless there is a legislated requirement or a resolution of Committee or Council directing the matter to come forward.

15.10 **Unfinished Business**

The items listed in the order of the topics set out in the agenda of prior meetings which have not been disposed of by Council, or which have been tabled, and the date of their first appearance on the agenda shall be noted and repeated on each subsequent agenda until dealt with or removed from the agenda by leave of Council.

15.11 **Other Business**

- (a) A Member may introduce a motion under Other Business without notice, if Council, without debate, dispenses with notice on a two-thirds majority vote, in accordance with Section 19.4 of this By-law.
- (b) All requests for substantive gathering of information or the preparation of reports from staff shall require the approval of a majority of the Members

present at a meeting and such requests shall identify the appropriate Department and the objective(s) of the report.

15.12 **By-Laws**

- (a) No by-law shall be presented to Council unless the subject matter thereof has been considered and approved by Council or a Committee to which Council has delegated authority, except:
 - (i) a by-law to confirm the proceedings of Council;
 - (ii) Tile Drainage By-laws prepared under the Tile Drainage Act;
 - (iii) a by-law arising as the result of an order or decision of any judicial or quasi-judicial body;
 - (iv) a by-law to appoint acting/chief building officials and sewage system inspectors;
 - (v) a by-law to dedicate any lands acquired by the Regional Municipality of Durham for road widening purposes, to form part of the Regional Road system;
- (b) Every by-law shall be introduced upon a motion by a Member, and any number of by-laws may be introduced together in one motion, but Council shall, at the request of a Member, deal separately with any by-law.
- (c) Every by-law which has been passed by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Regional Chair and the Clerk and shall be deposited by the Clerk in his/her office for safekeeping.
- (d) The Clerk shall be authorized to make minor corrections to a by-law that are immaterial in nature and which do not alter the intent of the by-law.

16. **RULES OF DEBATE IN COUNCIL**

- 16.1 No Member shall be deemed to have precedence or seniority over any other Member.
- 16.2 Before speaking to a question or motion, a Member who is able to shall rise from his/her seat and address the Chair.
- 16.3 When two or more Members wish to speak, the Chair shall recognize the Member who, in the opinion of the Chair, first signified their intention to speak.
- 16.4 When a Member is speaking, no other Member shall pass between that Member and the Chair or interrupt that Member except to raise a point of order.

- 16.5 A Member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member who is speaking.
- 16.6 No Member shall speak more than once to the same question without leave of the Council, but a reply may be made by the Member who has presented the motion to the Council.
- 16.7 No Member, without leave of the Council, shall speak to the same question, or reply, for longer than five minutes.
- 16.8 (a) A Member may ask a question for the purpose of obtaining information relating to the matter under discussion and such question shall be stated concisely and asked only through the Chair.
- (b) When a Member has been recognized as the next speaker, before speaking the Member may ask a question of or through the Chair on the matter under discussion for the purpose of obtaining information, following which the Member may speak.
- 16.9 No member may speak to any question or matter and immediately thereafter present a motion.

17. POINTS OF ORDER AND PRIVILEGE

- 17.1 The Chair shall preserve order and decide points of order and points of privilege.
- 17.2 (a) When a Member rises on a point of order, he/she shall ask leave of the Chair to raise a point of order and after leave is granted, the Member shall state the point of order and sit down and remain seated until the Chair has decided the point of order.
- (b) If no Member appeals, the decision of the Chair is final.
- (c) After the Chair has decided the point of order, a Member shall only address the Chair for the purpose of appealing to the Council from the Chair's decision.
- (d) If a Member appeals to Council on a point of order, Council shall hear the reason for the appeal from the appellant and the reason for the decision from the Chair, and shall decide the question without debate.
- (e) The decision of Council under clause 17.2 (d) is final.
- 17.3 (a) Where a Member considers that his/her integrity or the integrity of the Council as a whole has been impugned, he/she may, on a point of privilege, rise with the consent of the Chair for the purpose of drawing the attention of Council to the matter.

- (b) When a point of privilege is raised, it shall be considered and decided by the Chair immediately.
- (c) The decision of the Chair on a point of privilege is final.

18. CONDUCT OF MEMBERS IN COUNCIL

18.1 No Member shall:

- (a) speak disrespectfully of the Reigning Sovereign, of any member of the Royal Family, of the Governor-General of Canada, of the Lieutenant-Governor of any Province, of any Member of Senate or of any elected assembly;
- (b) use offensive words or unparliamentary language in or against the Council or against any Member, or any officer or employee of the Regional Corporation;
- (c) speak on any subject other than the subject in debate;
- (d) disobey the Rules of Procedure or a decision of the Chair or of the Council on questions of order or procedure or upon the interpretation of the Rules of Procedure; and in case a Member persists in any such disobedience after having been called to order by the Chair, the Chair shall forthwith order him/her to vacate the Chamber in which the meeting is being held, but if the Member apologizes he/she may, by vote of the Council, be permitted to retake his/her seat;
- (e) speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, ethnic origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status, or disability.

18.2 No food shall be allowed in the Chamber during the sittings of the Council.

19. MOTIONS

19.1 Motions Without Notice and Without Leave

- (a) The following matters and motions may be introduced orally without written notice and without leave, and to be decided without debate:
 - (i) a point of order;
 - (ii) a point of privilege;
 - (iii) a motion to adjourn;
 - (iv) a motion to refer;

- (v) a motion to defer;
 - (vi) a motion to suspend the Rules of Procedure;
 - (vii) a motion to table the question;
 - (viii) a motion to vote on the question;
 - (ix) a motion to divide;
 - (x) a motion to go into Committee of the Whole;
 - (xi) a motion to recess.
- (b) The following motions may be introduced without notice and without leave, but shall be in writing and signed by the mover and seconder:
- (i) a motion to amend;
 - (ii) a motion to table the question with direction or instructions;
 - (iii) a motion to refer with direction or instructions;
 - (iv) a motion to defer with directions or instructions.

19.2 **Notice of Motion**

- (a) Notice of all new motions, except motions listed in clauses 19.1 (a) and (b), shall be given in writing and signed by the mover and the seconder, either:
- (i) at a meeting of Council but shall not be debated until the next regular meeting of Council; or
 - (ii) delivered to the Clerk not later than Wednesday noon the week prior to the meeting at which the motion is to be introduced.
- (b) Where notice of motion has been given under clause 19.2 (a), the motion shall be included in the agenda for the next regular meeting of Council and for each succeeding regular meeting until the motion is considered or otherwise disposed of.
- (c) When a Member's notice of motion has been called from the Chair at two successive meetings and not proceeded with, it shall be dropped from the agenda unless Council decides otherwise.
- (d) A notice of motion included in the agenda may be debated by Council without having been read at the meeting.

19.3 **Motion in Writing**

Except as provided in clause 19.1 (a), a motion shall be in writing and signed by the mover and seconder.

19.4 **Dispensing with Notice**

A motion may be introduced without notice if Council, without debate, dispenses with notice on a two-thirds majority vote.

19.5 **Seconding**

A motion shall be formally seconded before the presiding officer puts the question or before a motion is recorded in the minutes.

19.6 **Presentation of Motion by Chair**

When a motion is presented in Council in writing, it shall be read, or, if it is a motion which may be presented orally, it shall be stated by the Chair before debate.

19.7 **Motions Beyond Jurisdiction of Council**

A motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.

19.8 **Withdrawal**

After a motion is read or stated by the Chair it shall be deemed to be in possession of Council, but may, with the permission of Council, be withdrawn at any time before decision or amendment.

19.9 **Priority of Disposition**

A motion properly before Council for decision must receive disposition before any other motion can be received, except motions in respect of matters listed in clauses 19.1 (a) and (b).

19.10 **Procedure at Next Meeting**

A motion called in the order in which it stands upon the agenda of a meeting and which has not received disposition by Council shall be allowed to stand retaining its precedence upon the agenda of the next regular meeting of Council.

19.11 **Motion to Amend**

- (a) Only one amendment at a time can be presented to the main motion and only one amendment can be presented to an amendment, but when the amendment to the amendment has been disposed of, another may be introduced, and when an amendment has been decided, another may be introduced.
- (b) The amendment to the amendment, if any, shall be voted on first, then if no other amendment is presented, the amendment shall be voted on next, then if no other amendment is introduced, the main motion, or if any amendment has carried, the main motion as amended, shall be put to a vote.
- (c) Every amendment shall be in writing.
- (d) Nothing in this section shall prevent other proposed amendments being read for the information of the members.

19.12 **Motion to Vote on the Question**

A motion that a vote on the question be now taken:

- (a) cannot be amended or debated;
- (b) cannot be proposed when there is an amending motion under consideration, except for the purpose of moving that the amending motion be put;
- (c) when resolved in the affirmative, requires that the question (motion, amending motion or motion as amended, whichever is under consideration) be put forward immediately without debate or amendment;
- (d) can only be moved in the following words, "that the question be now put", and seconded;
- (e) may be voted against by the mover and seconder;
- (f) cannot be moved or seconded by a Member who has spoken on the main question or an amendment to the main question.
- (g) A motion 'that the question be now put' requires an affirmative vote of two-thirds of the Members present and voting and can 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.

19.13 **Motion to Adjourn**

A motion to adjourn the Council or to adjourn the debate shall always be in order except:

- (a) when a Member is speaking or during the taking of a vote;
- (b) immediately following the affirmative resolution of a motion that a vote on the question be now taken;
- (c) when a Member has already indicated to the Chair that he/she desires to speak on the question;

and, when resolved in the negative, cannot be made again until Council has conducted further proceedings.

19.14 Motion to Refer or Defer

- (a) A motion to refer or defer the question may include instructions respecting the terms upon which the question is to be referred or deferred.
- (b) A motion to refer or defer the question shall not be debatable except where instructions are included, in which case, only the instructions shall be debatable.
- (c) A motion to refer or defer a question may be amended in accordance with the provisions of Section 19.11 of this By-law.

19.15 Motion to Reconsider

- (a) Subject to clauses 19.15 (b) and 19.15 (c) no substantive motion, after it has been decided, shall be reconsidered within 12 months following the decision of the Council unless Council decides to do so by a two-thirds majority vote.
- (b) After any substantive motion has been decided, any Member who voted with the prevailing side, may make a motion to reconsider the question.
- (c) A motion to reconsider may not be introduced without notice, unless the Council, without debate, dispenses with notice on a two-thirds majority vote.
- (d) A motion to reconsider is debatable.
- (e) No discussion of the main substantive motion shall be allowed until the motion for reconsideration is carried.
- (f) Once the substantive motion is reopened, it is reopened in its entirety unless the reopening motion specifies otherwise.
- (g) If the substantive motion is reopened, all previous decisions of the Council remain in force unless the Council decides otherwise.

- (h) No motion to reconsider may, itself, be the subject of a motion to reconsider.
- (i) Where a notice of reconsideration is accepted pursuant to clause 19.15 (c), consideration of the motion to reconsider shall be at the next regular meeting of Council unless:
 - 1) The Council decides by a two-thirds majority vote to deal with the motion at some earlier time; or,
 - 2) An earlier special meeting of Council is called pursuant to Section 8.3 of this By-law to deal with the subject matter under reconsideration.
- (j) A motion to reconsider an amendment after the original motion to which the amendment was proposed has been considered and disposed of is out of order.
- (k) An amendment cannot be the subject of reconsideration independently of the motion, by-law or other matter amended.
- (l) If a motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, and debate on the question to be reconsidered shall proceed as though it had never previously been considered.

19.16 Re-introduction of a Defeated Motion

A defeated motion of Council may not be re-introduced or debated in any form without leave of Council upon a majority vote.

19.17 Motion to Rescind

A motion to rescind a previous resolution of Council requires a two-thirds majority vote and can only be considered if notice has been given pursuant to clause 19.2 (a) or Council has dispensed with the notice pursuant to Section 19.4 of this By-law.

20. VOTING ON MOTIONS

20.1 Majority

Except as otherwise provided in this By-law, the concurring votes of a majority of Members present and voting are necessary to carry any resolution or other measure.

20.2 Chair or Acting Chair

The Regional Chair or Acting Chair in the absence of the Regional Chair, or Member appointed to preside over the meeting in the absence of both, has the

right to vote at all meetings of Council, Committee of the Whole, and those Committees of which he/she is a member.

20.3 Members Present

Every Member present at a meeting of the Council, when a question is put shall vote thereon unless prohibited by statute or by these rules, in which case, the Clerk shall record the name of the Member and the reason that he/she is prohibited from voting.

20.4 Negative Vote

If a Member does not vote when a question is put, he/she shall be deemed to have voted in the negative, except where the Member is prohibited from voting by statute.

20.5 Equality of Votes

Where a vote is taken and a tie results, the question shall be deemed to have been decided in the negative.

20.6 Unrecorded Vote

The manner of determining the decision of Council shall be at the discretion of the Chair and may be by show of hands, standing or otherwise.

20.7 Recorded Vote

- (a) When a recorded vote is requested by a Member, or is otherwise required, the Clerk shall record the name and vote of every Member on the question.
- (b) 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.
- (c) Members shall use the electronic voting equipment for the purpose of recording their vote.
- (d) The result of the vote shall be displayed once voting has closed and then declared by the Chair.
- (e) Should Council or Committee meet in a location where there is no electronic voting system or should the electronic voting system be inoperable:
 - (i) The order in which Members vote on recorded votes shall be in alphabetical order of the Members present and voting (with necessary modifications made for alternate members), commencing and continuing through the alphabet with the Member

who made the request and then back to the beginning of the alphabet, if necessary, until all Members have voted, save and except the Chair who shall vote last;

- (ii) If a request is made by the Chair for a recorded vote, the order in which Members vote shall be in alphabetical order of the Members present and voting, save and except for the Chair who shall vote first.

20.8 **Declaration of Chair**

If a Member disagrees with the announcement of the Chair that a question is carried or defeated, he/she may immediately after the declaration by the Chair, object to the Chair's declaration and require that a recorded vote be taken on the question.

20.9 **Procedures During Voting**

When the Chair calls for a vote on a question, each Member shall occupy his/her seat and shall remain there until the result of the vote has been declared by the Chair, and during such time no Member shall walk across the Chamber or speak to a Member or any other person or make any noise or disturbance.

20.10 **Vote Not Allowed**

A Member not in their seat when the question is called by the Chair is not entitled to vote on that question.

20.11 **No Interruption after Question**

After a question is 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.

21. **RECORDING, BROADCASTING OR STREAMING OF MEETINGS**

21.1 Meetings may be audio or video recorded, broadcast and/or streamed publicly by the Regional Corporation, except for closed meetings in accordance with Section 10.7 of this By-law.

21.2 Meeting attendees may record meetings, except for in-camera meetings, provided that doing so is not disruptive to the meeting or other attendees.

21.3 No person except a Member, officer or employee of the Regional Corporation is permitted to enter upon the floor of the Chamber during the sitting of the Council without permission of the Chair or the Council.

22. COMMITTEE OF THE WHOLE MEETINGS

22.1 Place of Meetings of Committee of the Whole

- (a) Regular meetings of Committee of the Whole shall be held in the Council Chambers in the Regional Headquarters building or at such other place as Council from time to time appoints.
- (b) The location for a special meeting of Committee of the Whole shall be determined by the office of the Clerk.

22.2 Regular Meetings of Committee of the Whole

- (a) Meetings of Committee of the Whole may be held during a meeting of Council or on its own.
- (b) Regular meetings of Committee of the Whole shall be held at the hour of 9:30 AM on the day provided in the monthly meeting schedule approved by Council, unless otherwise decided by resolution of Council.
- (c) Where a regular meeting of Committee of the Whole is scheduled on the same day as a public or civic holiday, Committee of the Whole shall meet at the same hour on the next following day, which is not a public or civic holiday, unless otherwise decided by resolution of Council.
- (d) No regular meetings of Committee of the Whole shall be held in the months of July and August or during the week of March Break.

22.3 Special Meetings of Committee of the Whole

- (a) The Regional Chair may at any time summon a special meeting of Committee of the Whole by giving written direction to the Clerk stating the date, time and purpose of the special meeting.
- (b) The Regional Chair shall summon a special meeting of Committee of the Whole when requested to do so by a majority of Members of the Committee.
- (c) The Clerk shall give written notice of a special meeting of Committee of the Whole to all Members of Council at least twenty-four hours before the time appointed for such meeting.
- (d) Notice of special meetings may be given by delivering the written notice personally to a Member; or by leaving such notice at his/her residence or place of business; or by facsimile transmission to such residence or place of business; or by electronic mail. Notice may also be provided by telephone or personal contact in case of an emergency.

- (e) The written notice to be given under clause 22.3 (c) shall indicate the nature of the business to be considered at the special meeting, date, time and place of the meeting.
- (f) 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 of the Committee present and voting at such meeting.

22.4 Change of Date and/or Time of Committee of the Whole Meetings

The Clerk may reschedule a regularly scheduled meeting of Committee of the Whole, in consultation with the Regional Chair, where it is considered necessary because of exceptional circumstances. The Clerk shall give notice of the change to all Members of Council in the manner set forth in clauses 22.3 (c) and (d) of this By-law.

22.5 Cancellation of Committee of the Whole Meetings

- (a) A regular or special meeting of Committee of the Whole may be cancelled in any of the following circumstances:
 - (i) If the Clerk determines in advance that quorum will not be achieved;
 - (ii) If the meeting is cancelled by Council or Committee resolution;
 - (iii) Where the meeting is not required as determined by the Clerk due to a lack of forecasted agenda items; or
 - (iv) In the event of exceptional circumstances, at the discretion of the Regional Chair or Clerk.
- (b) The Clerk shall give notice of the cancellation to all Members of Council in the manner set forth in clauses 22.3 (c) and (d) of this By-law.

22.6 Public Notice of Committee of the Whole Meetings

- (a) Pursuant to Section 238 of the Municipal Act, public notice for regularly scheduled Committee of the Whole meetings shall be deemed to be given by making the agenda available in the office of the Clerk and by posting on the Regional website by the Friday preceding the regularly scheduled meeting. For special meetings notice shall be posted on the Regional website at least twenty-four hours preceding the meeting.
- (b) The Clerk may amend the agenda for regularly scheduled Committee of the Whole meetings, by way of an addendum, to add matters to the agenda, such as correspondence, delegations and presentations. The addendum may be presented at the meeting and notice shall be given by an advisory email to members of Council summarizing any additions on

the day preceding the Committee meeting and making the addendum available in the office of the Clerk by no later than 9:00 AM on the day of the meeting at which it is to be presented.

- (c) Notice which is substantively given but is irregular or not otherwise in strict compliance with this By-law will not invalidate the holding of a meeting or any proceeding taken at a meeting.

23. COMMITTEE OF THE WHOLE PROCEEDINGS

23.1 Presiding Officer

- (a) The Regional Chair or in his/her absence the Acting Chair, or in the absence of both, such other Member of the Committee as may be appointed by the vote of a majority of the Members of the Committee present, shall preside over Committee of the Whole meetings.
- (b) The Acting Chair shall preside during any part of a meeting when the Regional Chair is temporarily absent from the meeting, is taking part in debate on a question or is presenting a motion.

23.2 Quorum

- (a) The quorum of Committee of the Whole shall be 15 members, including the Regional Chair.
- (b) If a quorum is not present within thirty minutes after the time appointed for the meeting, the Clerk shall record the names of the Members present and the meeting shall stand adjourned.
- (c) When a meeting has been adjourned under clause 23.2 (b), the Regional Chair may summon a special meeting in accordance with Section 22.3 of this By-law
- (d) If during the course of a meeting a quorum is lost, then the meeting shall stand adjourned and any unfinished business will be taken up at the next regular meeting or other meeting called in accordance with the provisions of this By-law. Prior to adjourning a meeting under this section, the Chair may recess the meeting to determine if a quorum can be found.

23.3 Order of Proceedings in Committee of the Whole

- (a) The order of business for regular meetings of Committee of the Whole shall be as follows, subject to such changes as may be appropriate in the circumstances:
 - (i) Declarations of Interest
 - (ii) Statutory Public Meetings

- (iii) Delegations
 - (iv) Presentations
 - (v) Correspondence
 - (vi) Reports
 - (vii) Confidential Matters
 - (viii) Other Business
 - (ix) Adjournment
- (b) All business shall be taken up in the order in which it appears on the agenda unless otherwise decided by majority vote.

23.4 **Minutes and Agenda**

- (a) The Clerk shall prepare an agenda with a list of the items in the order of topics set out as the order of business in Section 23.3 of this By-law for the use of each Member at a regular meeting.
- (b) The Clerk shall cause minutes to be taken of each meeting of Committee of the Whole, which shall include:
- (i) the place, date and time of the meeting;
 - (ii) the names of the presiding officer or officers and the record of the attendance of the Members, including the nature of the absence, if the Legislative Services Division is advised in advance of the meeting, or within 24 hours of the termination of the meeting;
 - (iii) the names of senior Regional staff in attendance;
 - (iv) the reading, if requested by a majority of Members present and voting; any correction, if necessary; the adoption of the minutes of the previous meeting; and the declarations of interest; and
 - (v) all other proceedings of Committee of the Whole without note or comment.
- (c) The Clerk shall ensure that the minutes of the last regular meeting and all special and closed meetings of Committee of the Whole held more than three days prior to the Council agenda distribution (excluding weekends and statutory holidays) are included in the next regularly scheduled Council agenda.

- (d) Minutes referred to in clause 23.4 (b) may be adopted by Council without having been read at the meeting at which the question of their adoption is considered.

23.5 **Procedures in Committee of the Whole**

- (a) The rules governing the procedure in Council and the conduct of Members in Council shall be observed in Committee of the Whole, except as otherwise provided in this By-law.
- (b) A motion may be introduced orally and with a seconder.
- (c) A recorded vote shall be in order at Committee of the Whole.
- (d) Where a vote is taken and a tie results, the question shall be deemed to have been decided in the negative.
- (e) No meeting or part of a meeting shall be closed to the public, except in accordance with Section 10 of this By-law.
- (f) The rules in respect to the hearing of delegations, Section 15.6 of this By-law, shall apply to Committee of the Whole.
- (g) The rules in respect to the introduction of new business in Council, Section 15.10 of this By-law, shall apply to Committee of the Whole.
- (h) When a point of order is raised or when a Member is called to order in Committee of the Whole, Sections 17 and 18 of this By-law, the same procedure shall be adopted as in Council, subject to an appeal to the Members of the Committee.
- (i) The number of times of speaking on any question shall not be limited provided that no Member shall speak more than once except to make an explanation, until every Member who desires to speak has spoken.
- (j) For the Committee of the Whole a dedicated dinner hour shall be at 5:30 PM.

23.6 **Committee Clerk**

The Clerk or an employee of the Regional Corporation designated by the Clerk shall be the Recording Secretary of each Committee.

24. **STANDING COMMITTEES**

24.1 There shall be four Standing Committees of Council namely:

- (a) The Finance and Administration Committee;
- (b) The Health and Social Services Committee;

- (c) The Planning and Economic Development Committee;
- (d) The Works Committee.

24.2 Each of the Standing Committees shall be composed of seven Members.

24.3 The Regional Chair shall be an ex officio member of each Standing Committee and shall be entitled to vote at such meetings.

24.4 Council may consider any matter without referring it to a Committee or may refer it to Committee of the Whole pursuant to Section 22 of this By-law, and may withdraw a matter from a Committee at any time.

24.5 Council may at any time appoint a special or ad hoc Committee to enquire into and report on any matter.

25. STANDING COMMITTEE MEETINGS

25.1 Place of Standing Committee Meetings

- (a) Regular meetings of Standing Committees shall be held at Durham Regional Headquarters, 605 Rossland Road East, Whitby, Ontario, unless otherwise decided by resolution of Committee.
- (b) The location for a special meeting of a Standing Committee(s) shall be determined by the office of the Clerk.

25.2 Regular Meetings of Standing Committees

- (a) Regular meetings of the Standing Committees shall be held at the hour of 9:30 AM on the day provided in the monthly meeting schedule approved by Council, unless otherwise decided by resolution of Council.
- (b) Where a regular meeting of a Standing Committee(s) is scheduled on the same day as a public or civic holiday, the Committee shall meet at the same hour on the next following day, which is not a public or civic holiday, unless otherwise decided by resolution of Council.
- (c) No regular meetings of Standing Committees shall be held in the months of July and August or during the week of March Break.

25.3 Special Meetings of Standing Committees

- (a) A Committee Chair may at any time summon a special meeting of a Committee by giving written direction to the Clerk stating the date, time and purpose of the special meeting, provided, however, that the Committee does not meet while Council is meeting.
- (b) A Committee Chair shall summon a special meeting of a Committee when requested to do so by a majority of Members of the Committee.

- (c) The Clerk shall give written notice of a special meeting of a Committee to all Members of Council at least twenty-four hours before the time appointed for such meeting.
- (d) Notice of special meetings may be given by delivering the written notice personally to a Member; or by leaving such notice at his/her residence or place of business; or by facsimile transmission to such residence or place of business; or by electronic mail. Notice may also be provided by telephone or personal contact in case of an emergency.
- (e) The written notice to be given under clause 25.3 (c) shall indicate the nature of the business to be considered at the special meeting, date, time and place of the meeting.
- (f) 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 of the Committee present and voting at such meeting.

25.4 **Change of Date and/or Time of Standing Committee Meetings**

The Clerk may reschedule a regularly scheduled meeting of a Standing Committee, in consultation with the Committee Chair, where it is considered necessary because of exceptional circumstances. The Clerk shall give notice of the cancellation or change to all Members of Council in the manner set forth in clauses 25.3 (c) and (d) of this By-law.

25.5 **Cancellation of Standing Committee Meetings**

- (a) A regular or special meeting of a Standing Committee may be cancelled in any of the following circumstances:
 - (i) If the Clerk determines in advance that quorum will not be achieved;
 - (ii) If the meeting is cancelled by Council or Committee resolution;
 - (iii) Where the meeting is not required as determined by the Clerk and applicable Department Head due to a lack of forecasted agenda items; or
 - (iv) In the event of exceptional circumstances, at the discretion of the Committee Chair or Clerk.
- (b) The Clerk shall give notice of the cancellation to all Members of Council in the manner set forth in clauses 25.3 (c) and (d) of this By-law.

25.6 **Public Notice of Committee Meetings**

- (a) Pursuant to Section 238 of the Municipal Act, public notice for regularly scheduled Committee meetings shall be deemed to be given by making the agenda available in the office of the Clerk and by posting on the Regional website by the Friday preceding the regularly scheduled meeting. For special meetings notice shall be posted on the Regional website at least twenty-four hours preceding the meeting.
- (b) The Clerk may amend the agenda for regularly scheduled Committee meetings, by way of an addendum, to add matters to the agenda, such as correspondence, delegations and presentations. The addendum may be presented at the meeting and notice shall be given by an advisory email to Members of Council summarizing any additions on the day preceding the Committee meeting and making the addendum available in the office of the Clerk by no later than 9:00 AM on the day of the meeting at which it is to be presented.
- (c) Notice which is substantively given but is irregular or not otherwise in strict compliance with this By-law will not invalidate the holding of a meeting or any proceeding taken at a meeting.

26. **STANDING COMMITTEE PROCEEDINGS**

26.1 **Presiding Officer**

- (a) The Committee Chair or in his/her absence the Committee Vice-Chair, or in the absence of both, such other Member of the Committee as may be appointed by the vote of a majority of the Members of the Committee present, shall preside at the meeting of a Committee and may vote on all questions submitted.
- (b) The Committee Vice-Chair shall preside during any part of a meeting when the Committee Chair is temporarily absent from the meeting, is taking part in debate on a question or is presenting a motion.

26.2 **Quorum**

- (a) The quorum of a Committee shall consist of a majority of the total Members excluding the Regional Chair, however, the Regional Chair can be counted to form a quorum.
- (b) If a quorum is not present within thirty minutes after the time appointed for the meeting, the Clerk shall record the names of the Members present and the meeting shall stand adjourned.
- (c) When a meeting has been adjourned under clause 26.2 (b), the Committee Chair may summon a special meeting in accordance with Section 25.3 of this By-law.

- (d) If during the course of a meeting a quorum is lost, then the meeting shall stand adjourned and any unfinished business will be taken up at the next regular meeting or other meeting called in accordance with the provisions of this By-law. Prior to adjourning a meeting under this section, the Committee Chair may recess the meeting to determine if a quorum can be found.

26.3 **Order of Proceedings in Committee**

- (a) The order of business for regular meetings of Committee shall be as follows, subject to such changes as may be appropriate in the circumstances:
 - (i) Declarations of Interest
 - (ii) Adoption of Minutes
 - (iii) Statutory Public Meetings
 - (iv) Delegations
 - (v) Presentations
 - (vi) Applicable Section – Correspondence
 - (vii) Applicable Section – Reports
 - (viii) Repeat (vi and vii) as required
 - (ix) Advisory Committee Resolutions
 - (x) Confidential Matters
 - (xi) Other Business
 - (xii) Adjournment
- (b) All business shall be taken up in the order in which it appears on the agenda unless otherwise decided by majority vote.

26.4 **Minutes and Agenda**

- (a) The Clerk shall prepare an agenda with a list of the items in the order of topics set out as the order of business in Section 26.3 of this By-law for the use of each Member at a regular meeting.
- (b) The Clerk shall cause minutes to be taken of each meeting of Committee, which shall include:
 - (i) the place, date and time of the meeting;

- (ii) the names of the presiding officer or officers and the record of the attendance of the Members, including the nature of the absence, if the Legislative Services Division is advised in advance of the meeting, or within 24 hours of the termination of the meeting;
 - (iii) the names of senior Regional staff in attendance;
 - (iv) the reading, if requested by a majority of Members present and voting; any correction, if necessary; the adoption of the minutes of the previous meeting; and the declarations of interest; and
 - (v) all other proceedings of Committee without note or comment.
- (c) The Clerk shall ensure that the minutes of the last regular meeting and all special and closed meetings of Committees held more than three days prior to the respective Committee agenda distribution (excluding weekends and statutory holidays) are included in the next regularly scheduled agenda of the respective Committee.
 - (d) Minutes referred to in clause 26.4 (b) may be adopted by Council or the respective Committee without having been read at the meeting at which the question of their adoption is considered.

26.5 **Procedures in Committee**

- (a) The rules governing the procedure in Council and the conduct of Members in Council shall be observed in Committees, except as otherwise provided in this By-law.
- (b) A motion may be introduced orally and with a seconder.
- (c) A recorded vote shall be in order at Committee meetings.
- (d) Where a vote is taken and a tie results, the question shall be deemed to have been decided in the negative.
- (e) No meeting or part of a meeting shall be closed to the public, except in accordance with Section 10 of this By-law.
- (f) The rules in respect to the hearing of delegations, Section 15.6 of this By-law, shall apply to Committees.
- (g) The rules in respect to the introduction of new business in Council, Section 15.10 of this By-law, shall apply to Committees.
- (h) When a point of order is raised or when a Member is called to order in a Committee, Sections 17 and 18 of this By-law, the same procedure shall be adopted as in Council, except that the question shall be decided by

the Committee Chair, subject to an appeal to the Members of the Committee.

- (i) The number of times of speaking on any question shall not be limited provided that no Member shall speak more than once except to make an explanation, until every Member who desires to speak has spoken.
- (j) Meetings of Committees shall be open to all Members of Council who may, with the permission of the Committee Chair, take part in discussion or debate after Members of the Committee have had the first opportunity to speak, however it is understood that only Members of the Committee may make motions and vote.

26.6 Committee Clerk

The Clerk or an employee of the Regional Corporation designated by the Clerk shall be the Recording Secretary of each Committee.

27. ADVISORY COMMITTEES

27.1 The rules governing the procedure in Standing Committees and the conduct of Members in Standing Committees shall be observed in Advisory Committees, except as otherwise provided in this By-law and the Advisory Committee's Terms of Reference.

27.2 Minutes of Advisory Committees shall be included on the Council Information Package prepared by the Clerk pursuant to clause 15.4 (b) of this By-law, for Council's information.

27.3 If a quorum is not present within thirty minutes after the time appointed for the meeting, the Clerk shall record the names of the Members present and the meeting shall stand adjourned. Advisory Committees shall not receive presentations, hear delegations or consider any matter when a quorum is not present.

27.4 The Clerk may cancel a meeting of an Advisory Committee, in consultation with the Staff Liaison to the Committee, where it is considered necessary because of 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 Staff Liaison and Clerk due to a lack of forecasted agenda items;
- (d) Due to the forecast of inclement weather; or

- (e) In the event of exceptional circumstances, at the discretion of the Staff Liaison or Clerk.

The Clerk shall give notice of the cancellation to all Members of the Committee by electronic mail or by telephone and shall post notice of cancellation on the Regional website.

28. COMMENCEMENT AND ADMINISTRATION

- 28.1 This By-law shall be administered by the Clerk.
- 28.2 By-law #70-2017 is hereby repealed.
- 28.3 This By-law shall come into force on the day the new Council is organized following the 2018 regular municipal election.
- 28.4 The short title of this By-law is the "Procedural By-law" or the "Rules of Procedure".

This By-law Read and Passed on the 12th day of September, 2018.

G.L. O'Connor, Regional Chair and CEO

R. Walton, Regional Clerk