

BY-LAW NUMBER 01-2014
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, BE IT ENACTED AND IT IS HEREBY ENACTED as a by-law of The Regional Municipality of Durham that:

INTERPRETATION

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 Chair of the Council;
 - (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 present sitting in committee of the whole Council;
 - (i) "Committee Vice-Chair" means the Vice-Chair of a Standing or Special Committee of Council;
 - (j) "Council" means the Council of the Regional Corporation;
 - (k) "Majority Vote" means an affirmative vote of more than one half of the Members present and voting;
 - (l) "Meeting" means any regular or special meeting of Council or Committee;
 - (m) "Member" means a Member of the Council;
 - (n) "Members" mean the Members of the Council;

- (o) "Recorded Vote" means the making of a written record of the name and the vote of each Member who votes on a question;
- (p) "Regional Corporation" means The Regional Municipality of Durham;
- (q) "Rules of Procedure" means the rules and regulations which are set forth in this By-Law;
- (r) "Substantive Motion" means any motion except one of the following:
 - (i) to refer;
 - (ii) to defer/postpone;
 - (iii) to amend;
 - (iv) to table the question;
 - (v) to recess;
 - (vi) to put the question;
 - (vii) to reconsider;
 - (viii) to adjourn;
 - (ix) to divide.
- (s) "Two-thirds Majority Vote" means an affirmative vote of at least two-thirds of the Members present and voting.
- (t) "Website" means the official internet website of the Regional Corporation.

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, 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.

CHAIR

- 3.1 The Chair shall be, by virtue of the office, 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.

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 Chair when he/she is absent, refuses to act or the office is vacant.

DUTIES OF CHAIR

- 5.1 It shall be the role of the Chair to carry out the responsibilities set forth in the *Municipal Act, 2001*, sections 225 and 226.1.
- 5.2 The 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 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;
 - (h) to authenticate by his/her signature, when necessary, all by-laws, resolutions and minutes of 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.

FIRST MEETING

- 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.

APPOINTMENT OF COMMITTEES

- 7.1 The appointment of the Committee Chairs, Members of the Standing Committees and the three 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 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 more than one nominee stands for appointment, a vote shall be taken;
 - (d) To be appointed a nominee shall obtain a vote of the majority of the Members present and voting;
 - (e) 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;
 - (f) The Clerk shall appoint, as required, members of his/her staff to act as scrutineers for the appointment;

- (g) 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, a ten-minute recess shall be held followed by a second vote. If on the second vote there is still an equality of votes or a nominee does not receive the majority required to be appointed, a further ten-minute recess shall be held followed by a third vote. If on the third vote there is still an equality of votes or a nominee does not receive the majority required to be appointed, the Clerk shall conduct a lot of the nominees and the nominee who is drawn, shall be appointed.
- (h) 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 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, in which event the procedure in clause 7.3 (g)(ii) shall apply.

- 7.4 The Members of each Standing Committee shall appoint a Committee Vice-Chair.
- 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 Chair shall serve on more than one Standing Committee.
- 7.8 The term of the Members to Standing Committees and the Regional Municipality of Durham Police Services Board shall be for the term of the Council.

COUNCIL MEETINGS

8.1 Place

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.

8.2 Regular Meetings of Council

All regular meetings of Council shall be held every third Wednesday at the hour of 10:00 a.m. unless such a day shall be a public or civic holiday in which case the 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 the Council.

8.3 **Special Meetings of Council**

- (a) In addition to regular meetings, the Chair may at any time summon a special meeting of Council by giving a written direction to the Clerk stating the date, time and purpose of the special meeting.
- (b) Upon receipt of the petition of the majority of the Members, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition.
- (c) 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.
- (d) 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.
- (e) The written notice to be given under clause (d) 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 present and voting at such meeting.

8.4 **Change of Date and/or Time of Regular Meeting of Council**

- (a) Where the 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 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 Chair in writing and give notice of the change to all Members in the manner set forth in clauses (c) and (d) of section 8.3 of the Rules of Procedure.

8.5 **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 the afternoon of the Friday preceding the regularly scheduled meeting and on the Regional website the Saturday 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 making the addendum available in the office of the Clerk by no later than 9:00 a.m. on the day of the meeting at which it is to be presented.

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.

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.
- 10.2 A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*.
- 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, 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 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, taping 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 ejected from the meeting unless he/she apologizes to the Members present, disengages the transcribing device and erases the taping or transcription.

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.

CALLING OF MEETING TO ORDER

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

ABSENCE OF CHAIR

12.1 If the 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 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 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 Chair under this By-Law.

12.4 The 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 Chair is temporarily absent from the meeting, is taking part in debate on a question or is presenting a motion.

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.

ORDER OF PROCEEDINGS IN COUNCIL

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

- (a) Roll Call
- (b) Declarations of Interest
- (c) Announcements
- (d) Presentations
- (e) Adoption of Minutes of Previous Meeting
- (f) Communications
- (g) Delegations
- (h) Motions
- (i) Notices of Motions
- (j) Committee Reports
 - Health and Social Services
 - Finance and Administration
 - Planning and Economic Development
 - Works
 - Joint
- (k) Unfinished Business
- (l) Other Business
- (m) By-laws
- (n) Adjournment

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

AGENDA IN COUNCIL

15.1 **Minutes/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 the Rules of Procedure 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; the 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 or Standing Committee meetings held more than three days prior to the agenda distribution (excluding Weekends and Statutory holidays), be delivered together with the agenda to each Member at his/her municipal office no later than the Friday preceding the regular Council meetings, or on occasion due to extenuating circumstances, place of residence.
- (d) Minutes referred to in clause (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.

15.2 **Communications**

- (a) Every written petition or communication addressed to Council shall be signed by at least one person and delivered to the Clerk not later than Thursday noon before the commencement of the regular meeting of Council, and, if in the opinion of the Clerk it contains any obscene or improper matter or language, the Clerk shall decide whether it should be included in the agenda for the meeting.

Subject to clause (a):

- (i) the Clerk shall present each Member with a copy of the substance of the communication or petition, but a Member may require the reading of part or all of the communication or petition;
- (ii) the Clerk shall forward copies of correspondence for the Council to the Standing and Special Committees concerned with the subject matter of such correspondence, for the attention/action of the respective Committees, upon receipt of such correspondence;
- (iii) the Clerk shall forward to the Regional Chair, Chief Administrative Officer and the relevant Department Head correspondence received from municipalities outside the Greater Toronto Area, that are not regional or large urban single-tier municipalities requesting endorsement or consideration of their resolution and shall be added to the appropriate Committee agenda by the Regional Chair, the Chief Administrative Officer, or relevant Department Head.

15.3 **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 9:30 a.m. on the Monday preceding the meeting.
- (b) Delegations shall be directed by the Clerk to the appropriate Committee of Council. Delegations shall be heard by the appropriate Committee of Council provided that they have met the requirements included in Section 15.3, except where there is a statutory right to be heard.
- (c) Delegations may be heard at Council provided they have first appeared before the Committee of Council responsible for the matter and a majority of the Members present vote to hear the delegation.
- (d) Where a request is received after 9:30 a.m. on the Monday preceding the meeting and the matter is either:

- i) included on the agenda for the meeting, then the request will be added to the agenda and the right to be heard will be subject to a two-thirds majority vote; or
 - ii) 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.
- (e) 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.
- (f) Delegations may not appear at a meeting consisting of two or more Committees of Council unless the matter is included on the agenda.
- (g) 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.
- (h) Delegations shall submit any electronic presentations at least twenty-four (24) hours prior to the commencement of the meeting and will be requested to provide a written copy of their submission to the Clerk prior to the commencement of the meeting.

15.4 **Reports**

- (a) The Committee Chair or Vice-Chair shall present the Reports of Committees.
- (b) Council may accept, reject, amend, table or refer back with or without instructions, any or all of the Reports of Committees including while in Committee of the Whole.
- (c) The Members of Council shall, following disposition of each Committee Report in the agenda, be allowed to question the Chair of each Committee on matters not necessarily included in the minutes of the Committee or the Report of such Committee. Each Member of Council shall be entitled to ask one question only until all Members have had an opportunity to ask a question at which time a Member may ask a second question.
- (d) Staff Reports submitted to Committee 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/Council directing the matter to come forward, with the exception of items of correspondence referred by Council.

15.5 **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.

15.6 **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 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 provisions of any Statute, and shall be complete with the exception of the number and date of the by-law.
 - (d) In proceedings in Committee of the Whole with respect to by-laws, each section shall be considered in its proper order, inclusive of the title and recitals.
 - (e) All amendments made in Committee of the Whole shall be reported by the Chair to Council, which shall receive the same forthwith, and after the report has been received, a vote on the motion to pass the by-laws shall be taken.
 - (f) 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 Chair and the Clerk and shall be deposited by the Clerk in his/her office for safekeeping.

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 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.

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 (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.

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 or smoking shall be allowed in the Chamber during the sittings of the Council.

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/postpone;
- (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) 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/postpone with directions or instructions.

19.2 **Notice of Motion**

(a) Subject to the provisions of section 19.5, 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 Thursday noon preceding the date of 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.

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/Postpone**

- (a) A motion to refer or defer/postpone the question may include instructions respecting the terms upon which the question is to be referred or deferred/postponed.
- (b) A motion to refer or defer/postpone 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/postpone a question may be amended in accordance with the provisions of section 19.11.

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 (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 the Rules of Procedure 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 motion to rescind a defeated motion of Council is not required and the subject matter 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) of the Rules of Procedure or Council has dispensed with the notice pursuant to section 19.4.

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 Chair or Acting Chair in the absence of the 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) Recorded votes shall not be taken at Committee meetings except for Committee of the Whole.
- (c) The order in which Members vote on recorded votes shall be in alphabetical order of the Members present and voting, 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.

- (d) 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.

COMMITTEE OF THE WHOLE

21.1 If the Chair considers a matter to be of an urgent nature the Chair may, at any time during a meeting of Council, upon a motion, have Council resolve into Committee of the Whole.

21.2 Recorded votes are permitted in Committee of the Whole

21.3 When a report has been presented, Council in Committee of the Whole shall rise and report.

21.4 A motion to move out of Committee of the Whole and to report the proceedings to Council shall be decided without debate.

21.5 After reporting, the decisions made in Committee of the Whole are to be ratified, including any and all amendments made in Committee of the Whole and the Chair shall report to Council the same forthwith and after the report has been received, a vote on the motion to ratify shall be taken.

21.6 The Acting Chair shall assume the chair when the Chair is temporarily absent from the meeting, is taking part in debate on a question or is presenting a motion.

21.7 The Chair or Acting Chair shall maintain order in the Committee of the Whole.

21.8 The rules governing the procedure of the Council and the conduct of Members in Council shall be observed in Committee of the Whole, so far as they are applicable, provided that:

- (a) 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;

- (b) if a Member disobeys the rules of the Council or a decision of the Chair or Acting Chair on questions of order or practice, or upon the interpretation of the rules of the Council, and persists in such disobedience after having been called to order by the Chair or Acting Chair, the Chair or Acting Chair shall forthwith suspend the proceedings of the Committee of the Whole and report the circumstances to the Council, and 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.

COMMITTEES

- 22.1 There shall be four Standing Committees of Council namely:
 - (a) The Health and Social Services Committee;
 - (b) The Finance and Administration Committee;
 - (c) The Planning and Economic Development Committee;
 - (d) The Works Committee.
- 22.2 Each of the Standing Committees shall be composed of seven Members.
- 22.3 Council may consider any matter without referring it to a Committee or may refer it to two or more Committees or refer it to the Committee of the Whole pursuant to section 21, and may withdraw a matter from a Committee at any time.
- 22.4 Council may at any time appoint a special or ad hoc Committee to enquire into and report on any matter.

COMMITTEE MEETINGS

- 23.1 **Place of Meetings of Committees**
 - (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 Regional Clerk.
- 23.2 **Regular Meetings of Committees**

The time for the regular meetings of the Standing Committees shall be decided by resolution of Council.
- 23.3 **Special Meetings of Committees**
 - (a) In addition to regular meetings, a Committee Chair may at any time summon a special meeting of a Committee 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) Written notice of a special meeting of a Committee must be given to all Members 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 (d) 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.

23.4 **Cancellation or Change of Date and/or Time of Regular Meeting of Committee**

The Clerk may cancel or reschedule a regularly scheduled meeting of a 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 23.3(c) and (d) of the Rules of Procedure.

23.5 **Public Notice of Committee Meetings**

- (a) Pursuant to section 238 of the Municipal Act, the public notice for regularly scheduled Committee meetings shall be deemed to be given by making the agenda available in the office of the Clerk the afternoon of the Friday preceding the regularly scheduled meeting and on the Regional website the Saturday 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 making the addendum available in the office of the Clerk by no later than 9:00 a.m. on the day of the meeting at which it is to be presented.

COMMITTEE PROCEEDINGS

24.1 **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.

24.2 **Quorum**

- (a) The quorum of a Committee shall consist of a majority of the total Members excluding the Chair, however, the Chair can be counted to form a quorum.
- (b) If a quorum is not present thirty minutes after the time appointed for the meeting, the meeting shall stand adjourned.

- (c) When a meeting has been adjourned under clause (b), the Committee Chair may summon a special meeting in accordance with section 23.3.
- (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.

24.3

Order of Proceedings in Committee

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

24.4

Procedures in Committee

- (a) The rules governing the procedure in Council shall apply to the proceedings of Committees except as otherwise provided in this By-Law.
- (b) A motion may be introduced orally and without a seconder.
- (c) A recorded vote shall not be permitted at Committee meetings.
- (d) No meeting or part of a meeting shall be closed to the public, except in accordance with section 10.
- (e) The rules in respect to the hearing of delegations shall apply to Committees.
- (f) The rules in respect to the introduction of new business in Council shall apply to Committees.
- (g) When a point of order is raised or when a Member is called to order in a Committee, 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.

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

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

COMMENCEMENT AND ADMINISTRATION

- 25. This By-Law shall be administered by the Clerk.
- 26. By-Laws 91-80, 18-82, 179-82, 1-83, 70-83, 1-84, 109-84, 249-88, 88-94, 20-95, 35-95, 79-97, 92-97, 23-99, 69-00, 44-2003, 44-2007, 20-2009 and 47-2010 as amended, are hereby repealed.
- 27. This By-Law comes into force on the day the new Council is organized following the 2014 regular municipal election.
- 28. 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 22nd day of January, 2014.

Original Signed By: R. Anderson, Regional Chair and CEO
 D. Bowen, Regional Clerk