



By-law 2017-5

A by-law to govern the proceedings
of Council and Committees of Council

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Whereas subsection 238 (2) of the Municipal Act, 2001 requires every Council and local board to adopt a Procedure by-law for governing the calling, place and proceedings of Meetings; and,

Whereas subsection 11 (2) of the Municipal Act, 2001 provides that upper and lower tier municipalities may pass by-laws respecting accountability and transparency of the municipality and its operations and of its local boards and their operations; and,

Whereas, it is the Council of The Corporation of the City of Markham's desire to follow a process of municipal governance that reflects an open, transparent government; and,

Whereas the Council of The Corporation of the City of Markham, in the interest of good governance, recognizes a Procedural By-law as a hallmark of accountability and transparency; and,

Now, therefore, the Council of the Corporation of the City of Markham enacts as follows:

1. APPLICATION

1.1 Rules and Regulations

- (a) The rules and regulations contained in this By-law shall be the **Rules of Procedure** for the order and dispatch of business in **Council** and **Committees**.
- (b) Unless the By-law provides to the contrary, the rules or regulations expressed for the conduct of **Council Meetings** apply, with necessary changes, to **Committees**.
- (c) The **Rules of Procedure** may be suspended by a two-thirds vote of the **Members of Council** or **Committee** present at the **Meeting**.

1.2 Interpretation

- (a) In the event of a conflict in the interpretation of any rules or regulations of this Procedural By-law or for determining a proper course of action for matters that may arise that are not specifically contemplated by this Procedural By-law, the most recent edition of **Robert's Rules of Order, Newly Revised** shall be referred to for clarification.
- (b) A word in this By-law expressed in the singular has a corresponding meaning when used in the plural. Words implying a single gender shall be read to be inclusive of all genders.
- (c) Any future amendment(s) to the Municipal Act or other legislation as noted in this by-law that may alter the sections and sub-sections of the legislation referenced will not affect the validity of the by-law or any part thereof.

2. DEFINITIONS

In this By-law:

“**Agenda**” means the order of proceedings for a **Meeting**, which sets out the business to be considered at the **Meeting** and includes the **Revised Agenda**;

“**Announcement**” means a public statement made by a Member of Council related to an event of interest to the general public or an offer of congratulations or condolence, or a matter of similar nature, and shall not be debatable;

“**Chair**” means the person presiding at a **Meeting**;

“**City**” means The Corporation of the **City** of Markham;

“**Clerk**” means the **City Clerk** or his/her designate;

“**Committee**” means any **Standing Committee** of **Council** or an advisory or special **Committee** established by **Council** from time to time;

“**Confidential Meeting**” means a **Meeting**, or part of a **Meeting**, that is not open to the public pursuant to the **Municipal Act**. “In Camera” and “Closed” **Meeting** have the same meaning;

“**Council**” means the **Council** of the **City**;

“**Deputant**” means an individual intending to physically appear at a **Meeting** and address **Council** or **Committee** on a matter listed on an **Agenda**;

“**Deputy Mayor**” means the Regional Councillor who received the highest number of votes for Regional Councillor in the last election;

“**Frivolous**” means a submission or comment that is without merit or substance or is trivial;

“**Mayor**” means the Head of **Council** as defined by the **Municipal Act** and includes the **Deputy Mayor**, when acting in absence of the Mayor;

“**Member**” means any individual elected to **Council** or a person appointed by **Council** to a **Committee**;

“**Meeting**” means any regular, special or other **Meeting** of **Council** or a **Committee** and includes a **Workshop**;

“**Motion**” means a proposal by a **Member** for the consideration of **Council** or **Committee**;

“**Municipal Act**” means the **Municipal Act, 2001**, S.O. 2001, c.25, as amended from time to time;

“New/Other Business” would generally apply to an item that is to be added to the **Agenda** due to an urgent statutory time requirement, or an emergency, or time sensitivity;

“Newspaper” means a printed publication, intended for general circulation in the municipality, published regularly at intervals of not longer than one week, consisting in large part of news or current events of general interest and sold or provided free of charge to the public and to regular subscribers. It includes, but is not limited to, the Markham Economist and Sun and the Thornhill Liberal;

“Pecuniary Interest” would apply to a **Member** who believes they may have a conflict relating to a financial benefit pursuant to the applicable conflict of interest legislation;

“Pending Motion” means that a **Motion** has been stated by the **Chair** to be dealt with by **Council** or **Committee** in due course;

“Postpone” means a **Motion** to postpone a decision or debate on a matter until later in the same **Meeting** or to a future **Meeting** of **Council** or **Committee**, either on a fixed date or to be determined;

“Recorded Vote” means a vote, at a **Council Meeting**, for which the **Clerk** records all **Members** present and how they voted;

“Refer” means a **Motion** to send a matter to a **Committee**, agency, **City** staff or another person for more information, recommendation or other action;

“Resolution”, also called a main **Motion**, means a substantive proposal placed before **Council** for discussion and decision;

“Revised Agenda” means an **Agenda** that is prepared with additional order(s) of business for a **Meeting**;

“Robert’s Rules of Order” means the most current edition of **Robert’s Rules of Order, Newly Revised**;

“Rules of Procedure” means the rules and regulations contained in this Procedural By-law that govern the proceedings of **Council** and its **Committees**;

“Standing Committee” means a **Committee** established by **Council** and consisting solely of all **Members** of **Council**;

“Treasurer” means the **City Treasurer** or his/her designate;

“Vexatious” means a submission or comment that is without merit and pursued in a manner that is malicious or intended to embarrass or harass the recipient or others;

“Vice-Chair” means the **Member** appointed to act from time to time in place of the appointed **Chair**; and,

“Workshop” means a **Meeting** of **Council** or **Committee**, intended for all **Members** of **Council**, for the purpose of: (1) receiving a briefing on municipal business; (2) debating emerging priorities and issues, including strategic planning; or (3) training.

3. COMMITTEES

3.1 Standing Committees

The **Standing Committees** of **Council** shall be as follows:

- (a) General **Committee**
- (b) Development Services **Committee**

3.2 Appointment of Standing Committee Chairs

At or after the Inaugural **Meeting** of **Council**:

- (a) The **Chairs** of the **Standing Committees** of **Council** shall be established by vote as follows:
 - i. There shall be a **Chair** and **Vice-Chair** appointed for the following sub-section on the **Agenda** being considered by the General **Committee**:
 - Finance and Administrative, the Chair of which shall be the Chair of the General Committee;
 - Community Services;
 - Environment and Sustainability; and,
 - Land, Building and Parks Construction.
 - ii. There shall be a **Chair** and **Vice-Chair** appointed for the following sub-section on the **Agenda** being considered by the Development Services **Committee**:
 - Development Services, the Chair of which shall be the Chair of the Development Services Committee;
 - Culture and Economic Development; and,
 - Transportation and Engineering Capital Projects.
- (b) For General **Committee** and Development Services **Committee**, in the absence of the **Chair** and **Vice-Chair** of the **Standing Committee**, the **Chair** of the subsequent listed sub-section shall assume the role of **Chair** for the meeting.

3.3 Appointment of Special Committees

- (a) Any Special **Committees** must be established by **Council** by vote. They shall report to **Council** or **Standing Committee** on any matter **Referred** to them by **Council** or **Standing Committee** as directed by **Council**.

- (b) Appointments of **Members** and other representatives of the **City** to other **Committees** and boards and organizations shall be approved by vote of **Council**.
- (c) The **Mayor** and **Deputy Mayor** are ex-officio **Members** of all **Committees**.
- (d) Any **Committee** may establish a sub-committee and appoint **Members** to the sub-committee.

3.4 Duties of Standing Committees

The duties of the **Standing Committees** shall be as follows:

- (a) The General Committee shall be responsible for those duties listed in the Terms of Reference attached as Schedule "B".
- (b) The Development Services Committee shall be responsible for those duties listed in the Terms of Reference attached as Schedule "C".

4. MEETINGS

4.1 Inaugural Meeting

The first **Meeting** of a newly elected **Council** after a regular municipal election is the Inaugural meeting at which **Council** Members will be sworn in. It shall be held on the date as prescribed in the Municipal Act, or such other date as determined by the **Clerk**.

4.2 Regular Council and Standing Committees Meetings

- (a) Regular **Meetings** of **Council** shall be held in accordance with the schedule/calendar adopted by **Council**, except when otherwise directed by a **Resolution of Council**.
- (b) Regular **Meetings** of General Committee shall be held in accordance with the schedule/calendar adopted by **Council**, except when otherwise directed by a **Resolution of Council**.
- (c) Regular **Meetings** of Development Services Committee shall be held in accordance with the schedule/calendar adopted by **Council**, except when otherwise directed by a **Resolution of Council**.

4.3 Special Council Meetings

4.3.1 Special Meetings may be called in one of three ways:

- (a) The **Mayor** may, at any time, call a special **Meeting** of **Council** on 48 hours written notice to the **Members and the media**; or,
- (b) Upon receipt of a written petition from a majority of the **Members**, the **Clerk** shall summon a special **Meeting** on 48 hours written notice to all **Members** and the media; or,

- (c) In urgent and extraordinary circumstances, with the consent of two-thirds of all the **Members**, a **Meeting** of the **Council** may be called by the **Mayor** or **Deputy Mayor** without notice in order to consider and deal with such matters.

4.3.2 The only business to be dealt with at a special **Meeting** is that which is listed in the notice of the **Meeting**. Special **Meetings** may be open or closed as provided in the **Municipal Act**.

4.4 Form of Meeting Notices

The form of **Meeting** notices shall be as outlined in Schedule "A" attached to this By-law.

4.5 Location of Meetings

All **Meetings** of **Council** shall be held in the **Council** Chamber or at any other place in the municipality, as authorized by the **Mayor**.

4.6 Calling a Meeting to Order and Quorum

A majority of the **Members** of **Council** is necessary to form a quorum. As soon as there is a quorum after the time appointed for commencement of a **Meeting**, the **Mayor** or **Chair** will call the **Meeting** to order. If a quorum is not present 30 minutes after the time appointed for commencement of a **Meeting**, the **Clerk** shall record the names of the **Members** present and the **Meeting** shall not commence or proceed.

4.7 Late Arrival

If a **Member** arrives late for a **Meeting**, any prior debate shall not be reviewed without two-thirds consent of all **Members** present.

4.8 Chair of Council

The Mayor is the Chair of Council. In the absence of the **Mayor** at **Council**, the **Deputy Mayor** shall take the **Chair**. In the absence of both of them, the **Members** present shall elect a **Chair** for the **Meeting**.

4.9 Preparation of the Agenda

- (a) Prior to each regular **Meeting**, the **Clerk** shall prepare an **Agenda** of all the business to be brought before such **Meeting**. The **Council Agenda** shall be distributed to **Members** and posted on the City's website at least 48 hours before the **Meeting**.
- (b) If required, the **Clerk** shall prepare a **Revised Agenda** of all the business to be brought before a **Meeting**, at a minimum of one hour prior to each regular **Meeting**.

4.10 Revised Agenda

Requests for items to be added to a **Revised Agenda** shall meet at least one of the following conditions:

- (a) Government/agency deadlines;
- (b) Legal implications;
- (c) Contractual implications;
- (d) Financial implications; or,
- (e) **Council** or **Standing Committee** direction.

4.11 Order of Business

- (a) Council Meetings

The **Clerk** shall prepare the **Agenda** for the use of the **Members** at the regular **Meetings** of **Council**, as follows:

- Disclosure of **Pecuniary Interest**
- Approval of Previous Minutes
- Presentations
- Deputations
- Communications
- Proclamations
- Reports
- Motions
- Notice of Motion to Reconsider
- New/Other Business
- Announcements
- By-laws
- Confidential Items
- Confirmatory By-law
- Adjournment

- (b) Standing Committee Meetings

The **Clerk** shall prepare the **Agenda** for the use of the **Members** at the regular Standing Committee **Meetings**, as follows:

- Disclosure of **Pecuniary Interest**
- Approval of Previous Minutes
- Presentations
- Deputations
- Communications
- Petitions
- Reports
- Motions
- Notices of Motion
- New/Other Business
- Announcements

Confidential Items
Adjournment

4.12 Record of the Proceedings

The **Clerk** shall be the secretary of all **Meetings**. It shall be the duty of the **Clerk** to record the proceedings of **Council** in the form of minutes that shall contain the following:

- (a) The beginning and ending time of **Meetings**.
- (b) The names of **Members** present.
- (c) The time **Members** arrive and leave the **Meeting**.
- (d) Any declaration of **Pecuniary Interest**.
- (e) A record of the decision of each item for consideration.
- (f) Recommendations to **Council** on each item.
- (g) The names of **Deputants** appearing before **Committee**.

4.13 Minutes

- (a) Minutes of a previous **Meeting** shall be approved at the next regular **Meeting**.
- (b) After the minutes have been adopted by **Council**, they shall be signed by the **Mayor**, or the **Chair** if not the **Mayor**, and the **Clerk**.
- (c) The minutes of an open **Meeting** of **Council** or **Committee** are public and shall be made available on the **City's** website.
- (d) The minutes of all advisory and special **Committees**, once approved, shall be placed on the appropriate **Standing Committee Agenda** for information only. **Motions** from advisory and special **Committees** requiring **Council** endorsement shall be placed on the appropriate **Standing Committee Agenda** for consideration.
- (e) The **Clerk** is authorized to make minor technical or clerical corrections to the minutes after they have been adopted by **Council**, with appropriate notation included in the minutes identifying the correction, so long as the intent and integrity of the information and/or **Resolution** is not changed.

4.14 Recording Equipment

- (a) **Council** and **Standing Committee Meetings** shall be recorded, wherever possible, through audio and video streaming on the **City's** website. Audio recordings of the meetings are available from the **Clerk's** Department for a nominal fee. Any failure of the audio or video streaming equipment for a **Meeting**, or any portion thereof, does not invalidate the outcome of the **Meeting**.

- (b) The use of audio and video recording equipment in the **Meeting** room by the public or the media will be permitted provided that it is not disruptive to the **Meeting**. Permission for recording and the location of recording equipment will be at the discretion of the **Chair**.

4.15 Deputations

- (a) To speak on the same matter, persons shall only appear before **Council** or **Committee** as a **Deputant**, but not both.
- (b) Any person desiring to be heard by **Council** or a **Committee** shall register as a **Deputant** by completing and submitting the prescribed form to the **Clerk**. The prescribed form must be completed by the individual requesting to be a **Deputant**. **Deputants** who register prior to the publication of the **Agenda** will be listed under the Deputations section of the **Agenda**.
- (c) **Deputants** who cannot appear before **Council** or **Committee** may submit their written comments, by the prescribed deadline, for inclusion under the Communications section of the **Agenda**.
- (d) Only persons registered as a **Deputant**, in accordance with 4.15 (b), may speak to a matter listed on an **Agenda**.
- (e) A Deputation on behalf of an organization, corporation, association, or group shall be made by one person.
- (f) **Deputants** shall be permitted to speak for a maximum of five minutes, whether they are representing themselves personally, or an organization, corporation, association, or group. A **Deputant** shall confine their remarks to the item on the **Agenda**.
- (g) **Deputants** will not be permitted to:
 - i. Make a request for financial assistance from the **City** during a **Meeting**, unless it is an item listed on an **Agenda** and prescribed by legislation or pursuant to or in accordance with a **City**-approved program, policy or procedure. Any such **Deputants** shall be directed to submit a request in writing to the **Treasurer** and the request will be administered within the context of existing policies and procedures; or,
 - ii. Promote products or services for the purpose of soliciting business. Any such **Deputants** shall be directed to submit a request through the **City's** existing procurement procedures.
- (h) Neither a **Deputant** nor a **Member** shall read another individual's written submission/comments.
- (i) **Deputants** shall not make statements or comments that are, in the opinion of the **Chair**, **Frivolous** or **Vexatious** in nature.

- (j) A **Deputant** wishing to appear on a matter not listed on the **Agenda** shall require the consent of two-thirds of the **Members** present.
- (k) The priority in which **Deputants** shall be heard by **Committee** shall be as follows:
 - i. **Deputants** listed on the **Agenda**;
 - ii. **Deputants** who, subsequent to the preparation of the **Agenda** and prior to the commencement of a **Meeting**, apply to the **Clerk** to be heard on a matter listed on the **Agenda**;
 - iii. **Deputants** who appear at a **Meeting** and who are not identified until such time as Deputations are called for by the **Chair**; and,
 - iv. **Deputants** wishing to appear on a matter not listed on the **Agenda**.
- (l) Unless there is a staff presentation, all **Deputants** appearing before **Committee** shall be heard at the beginning of the **Meeting** or just prior to the beginning of the specific item, and shall be permitted to speak only once on an item. Once deliberations on a specific item have commenced, no further submissions or presentations relative to the item shall be made by the **Deputant** or by any person other than a **Member** or staff.
- (m) **Deputants** shall respond to questions from **Members** only through the **Chair**.
- (n) After a **Deputant** has completed their submission, **Members** shall each have the opportunity to ask questions of the **Deputant** for clarification purposes only, and without debate. When all **Members** who have indicated a desire to ask questions have been given the opportunity to do so, the **Deputant** shall take their seat in the public seating area before any debate between the **Members** on the subject of the deputation begins. A **Deputant** shall not engage in debate with **Committee**.
- (o) The **Chair** may curtail any deputation, any questions of a **Deputant** or debate during a deputation, for disorder, lack of decorum or for any other breach of this By-law and, should the **Chair** rule that the deputation is concluded, the **Deputant** shall take their seat in the public seating area immediately.

4.16 New/Other Business

- (a) New/Other Business may be considered at **Council** or **Standing Committee**, however New/Other Business should generally be presented at **Standing Committee**.
- (b) Items **Referred** from a **Standing Committee** may be listed under the **New/Other Business** section of an **Agenda**.
- (c) New/Other Business presented at Council should be urgent due to
 - i. a statutory time requirement, or
 - ii. an emergency, or
 - iii. time sensitivity.

- (d) Matters that are non-urgent in nature may be raised at Standing Committee but shall be referred to staff which shall require a **Motion of Standing Committee**.

4.17 Announcements

A **Member** shall be permitted to make **Announcements** at a **Council** or **Standing Committee**. **Announcements** shall not be debatable and the duration of the **Member's Announcements** shall not exceed one minute.

4.18 By-laws

- (a) All by-laws shall be given first, second and third readings in a single **Motion**.
- (b) If a **Member** wishes to debate the contents of a by-law, the subject by-law shall be removed from the **Motion** and dealt with separately.
- (c) Every by-law which is passed by **Council** shall be signed by the **Mayor** or the **Chair** of the **Meeting** and the **Clerk** at which the by-law was passed, and sealed with the seal of the **City**, and shall be retained by the **Clerk**.
- (d) If a majority vote is not achieved for a by-law on a report item previously approved in the **Meeting**, the by-law shall be presented at a subsequent regular **Meeting**.
- (e) The **Clerk** is authorized to make the following changes to by-laws after enactment by **Council**:
 - i. Correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature.
 - ii. Alter the style or presentation of text or graphics to improve electronic or print presentation or to comply with legislated accessibility requirements.
 - iii. Correct errors in the numbering of provisions or other portions of a by-law and make any changes in cross-reference that are required as a result.

4.19 Signing Authority

The **Mayor** and in his/her absence, the **Deputy Mayor**, and the **Clerk** are authorized to sign and seal all agreements and other municipal documents that have been approved by **Council**.

5. MOTIONS

5.1 Motions in General

- (a) Motions may be considered at **Council** or **Standing Committee**. **Motions** should generally be presented at **Standing Committee**. **Motions** presented at Council should be urgent due to a statutory time requirement, or an emergency, or time sensitivity.

- (b) Every **Motion** shall be read aloud, or displayed using the **Meeting** room's projection system, and when moved and seconded, shall be open for debate. The **Chair** may not move or second any **Motion**, but must vote on a **Motion**.
- (c) When a **Motion** to **Postpone** or Close Debate and Vote Immediately is moved, the **Chair** will not state or process the **Motion** until the speakers list is exhausted.

5.2 Motions Containing Two or More Clauses (i.e. Separating the Motion)

When the **Motion** under consideration contains two or more independent clauses or concepts, upon the request of any **Member**, each matter shall be voted on separately.

5.3 Adoption in a Single Motion (i.e. Consent Agenda)

One or more report items on a **Standing Committee** or **Council Agenda** may be adopted in a single **Motion**. At a **Meeting**, any **Member** may request that an item which is part of a Single **Motion** be debated and voted on separately.

5.4 Notice of Motion

- (a) A **Notice of Motion** shall be:
 - i. In writing signed by the mover and, at the discretion of the mover, signed by a seconder; and,
 - ii. Delivered to the **Clerk** prior to the start of the meeting;
 - iii. Amended or withdrawn only with the consent of the mover; and,
 - iv. Read aloud by the mover at the **Meeting** and shall be included in the minutes of the **Meeting**.
- (b) A **Notice of Motion** is permitted at **Standing Committee** only. A **Notice of Motion** is only permitted at **Council** if the notice is to reconsider a matter and is formally called a Notice of Motion to Reconsider.
- (c) The **Notice of Motion** shall be printed in full on the **Agenda** for the next **Meeting** and may be considered at that time.
- (d) When a **Notice of Motion** has been on the **Agenda** for two successive **Meetings**, and not debated, **Standing Committee** may request that the matter be removed from further **Agendas**.

5.5 Voting on Motions

- (a) Each **Member** present and voting shall announce or indicate his/her vote upon a **Motion** openly and individually and no vote shall be taken by ballot, or any other method of secret voting.
- (b) In the event a **Member** present abstains from voting, he/she will be deemed to have voted in the negative unless section 5.5 (c) applies.

- (c) When a **Member** abstains from voting due to a disclosure of **Pecuniary Interest**, his/her abstention shall be deemed to be neither an affirmative nor a negative vote.

5.6 Recorded Vote

- (a) A **Recorded Vote** shall not be taken at **Committee Meetings**, with the only exception being that **Recorded Votes** will be permitted at Development Services Committee **Meetings** when consideration is being given to "Items of Delegated Authority."
- (b) When a **Member** requests a **Recorded Vote** at **Council**, all **Members** present at the **Meeting** shall vote when called by the **Clerk** unless he/she has disclosed a **Pecuniary Interest**.
- (c) The name of each **Member** who voted, and the manner in which he/she voted, shall be noted in the minutes. If a **Member** at a **Meeting of Council**, where a **Motion** is put to a vote and a **Recorded Vote** taken, does not vote, he/she shall be deemed to have voted in the negative unless the **Member's** reason for abstaining is due to a disclosure of **Pecuniary Interest** in which case his/her abstention shall be deemed to be neither a negative nor an affirmative vote. The **Clerk** shall announce the results.

5.7 Tie Votes

When a majority vote is required to adopt a **Motion** and a tie results, the **Motion** is lost.

5.8 Reconsideration of a Matter

- (a) Reconsideration of a decision made by **Council** can only be made by **Council** and not by a **Committee**.
- (b) Decisions which contractually bind the **City** shall not be reconsidered.
- (c) A matter may not be reconsidered until four regular **Meetings** have passed since the matter was originally considered.
- (d) A Notice of **Motion** to Reconsider may only be made by a **Member** who voted with the prevailing side.
- (e) A Motion to **Reconsider** may not be introduced without a Notice of Motion, unless the Council, without debate, dispenses with the requirement for a Notice of Motion on a two-thirds vote.
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- (f) A Notice of **Motion** to Reconsider is debatable, which debate will be restricted to the rationale for reconsidering the matter, and no debate of the main question shall be allowed until the **Motion** for reconsideration is carried.
- (g) Once the reconsideration **Motion** has carried, it is reopened in its entirety unless the reconsideration **Motion** specifies otherwise.

- (h) If the matter is reopened, all previous decisions of the **Council** remain in force unless and until the **Council** decides otherwise.
- (i) No Notice of **Motion** to Reconsider may, itself, be the subject of a **Motion** to reconsider.

5.9 Procedure Concerning Specific Motions

(a) Amendments

The purpose of an Amendment **Motion** is to modify a Main **Motion**. It cannot be used to directly contradict or negate the effect of the Main **Motion**.

A **Motion** to amend:

- i. Cannot be made by interrupting another **Member**.
- ii. Requires a seconder.
- iii. Shall be debatable if the **Motion** being amended is debatable.
- iv. Can be amended [by a secondary amendment], but that [secondary] amendment cannot be amended.
- v. Shall require a majority vote to adopt.
- vi. Shall be relevant to the **Motion** being amended.
- vii. Can be applied to a **Motion** at one time, but that amendment may be amended [by a secondary amendment].

(b) Refer a Motion or Subject to a Committee or Staff

The purpose of this **Motion** is to send a pending main **Motion** or matter to a **Committee**, agency or staff or another person for further information, review or investigation.

A **Motion** to refer:

- i. Cannot be made by interrupting another **Member**.
- ii. Requires a seconder.
- iii. Shall be debatable as to the rationale of **Referring**, but cannot go into the merits of the **Motion** or subject being **Referred**.
- iv. Can be amended as to the **Committee** or group to whom it is being referred, as to the time the **Committee** or staff reports back, and as to directions given to the **Committee** or staff.

- v. Requires a majority vote to adopt the **Motion**.
- vi. When a **Committee** reports, the matter can be re-referred back to the **Committee** or to another **Committee**.
- vii. This **Motion** may be delayed by the **Chair** in order to permit **Members** on the speaking list to speak.

(c) Postpone a Motion to a Future Time (i.e. Defer)

The purpose of this **Motion** is to **Postpone** debate on the pending business to another time in the **Meeting** or to the next **Meeting**

A **Motion** to **Postpone**:

- i. Cannot be made by interrupting another **Member**.
- ii. Requires a seconder.
- iii. Shall be debatable, but only to the merits of **Postponing**, and cannot go into the merits of the **Motion** or subject being **Postponed**.
- iv. Can be amended as to the date or time when the matter will come before **Council** again.
- v. Requires a majority vote to adopt the **Motion**.
- vi. This **Motion** may be delayed by the **Chair** in order to permit **Members** on the speaking list to speak.

(d) Postpone a Motion Temporarily to Deal with an Urgent Matter

The purpose of this **Motion** is to set aside temporarily the current business to take up a more urgent matter. The **Motion** shall be disallowed by the Chair, if the **Member** moving the **Motion** to postpone temporarily until later in the **Meeting**, cannot explain to the Chair's satisfaction that there is an urgent matter requiring the current business to be set aside.

Postpone Temporarily:

- i. Cannot be made by interrupting another **Member**.
- ii. Requires a seconder
- iii. Is not debatable.
- iv. Is not amendable.
- v. Requires a majority vote to adopt the **Motion**.

- vi. Once adopted, the postponed **Motion** can be dealt with at the current **Meeting** or at the next **Meeting**. If not dealt with by the end of the next **Meeting** it will require the regular process to get back on an **Agenda**.

(e) Limit Debate

The purpose of this **Motion** is to change the length or numbers of times a **Member** can speak by limiting the speeches. It can also set a specific time when debate will be closed.

A **Motion** to limit debate:

- i. Cannot be made by interrupting another **Member**.
- ii. Requires a seconder.
- iii. Is not debatable.
- iv. Can be amended to change the limitations or extensions of debate.
- v. Requires a 2/3 vote to adopt the **Motion**.
- vi. This **Motion** cannot be used in **Committee**.

(f) Close Debate and Vote Immediately (i.e. Call the Question)

The purpose of this **Motion** is to close debate and to take the vote immediately.

A **Motion** to Close Debate and Vote Immediately:

- i. Cannot be made by interrupting another **Member**.
- ii. Requires a seconder.
- iii. Is not debatable.
- iv. Is not amendable.
- v. Requires a 2/3 vote to close debate.
- vi. Can be applied to the **Pending Motion** only or to a series of **Pending Motions**, which must be specified.
- vii. May not be moved by a **Member** as part of their speech when that **Member** speaks to the subject of a **Pending Motion**.
- viii. Shall be delayed by the Chair in order to permit **Members** on the speaking list to speak.

(g) Recess

The purpose of this **Motion** is to take a short break that permits **Members** to be called back to the **Meeting** quickly. It can also be used to recess a **Meeting** overnight to meet the next day at a specific time.

A **Motion** to recess:

- i. Cannot be made by interrupting another **Member**.
- ii. Requires a seconder.
- iii. Is debatable as to the length or timing of the recess.
- iv. Is amendable as to the length or timing of the recess.
- v. Requires a majority vote to adopt.

(h) Adjourn

The purpose of this **Motion** is to conclude the **Meeting**. It can be moved to adjourn the **Meeting** immediately. It can also be moved to set a future time when the **Meeting** will adjourn (“...moved that the time of adjournment be set for 10:30 p.m.)

A **Motion** to adjourn:

- i. Cannot be made by interrupting another **Member**.
- ii. Requires a seconder.
- iii. Is not debatable unless there is another matter being debated.
- iv. Is not amendable, except when moved to set a future time for adjourning
- v. Requires a majority vote to adopt.

(i) Motion to Withdraw a Motion

The purpose of this **Motion** is to permit a **Member** who moved a **Pending Motion** to request that it be withdrawn.

A **Motion** to withdraw a **Motion**:

- i. May interrupt another **Member** who has the floor; “I request permission to withdraw my **Motion**.”
- ii. Requires a seconder.

- iii. Is not debatable as the **Chair** will seek permission from the **Members** by saying, "Unless there is an objection the **Motion** shall be withdrawn, (pause), there being no objection the **Motion** is withdrawn."
- iv. Is not amendable.
- v. No vote is required as the **Chair** sought permission to withdraw using general consent. However, if any one **Member** objects to the **Motion** being withdrawn, any other **Member** may move a formal **Motion** to withdraw ("moved that the **Motion** be withdrawn"), no seconder is required, it is not debatable, it is not amendable, and requires a majority vote to withdraw the **Motion**.
- vi. If a **Member** wishes to withdraw their **Motion** before it is stated by the **Chair** and before it is put on the floor, permission is not required and none of the above processes apply and the **Member** may state, "I withdraw my **Motion**", and it is withdrawn.

6. CONFIDENTIAL MEETINGS (i.e. In-Camera Meetings)

6.1 **Council** may, by **Resolution**, close a **Meeting** or part of a **Meeting** to the public in accordance with section 239 of the **Municipal Act**, if the subject matter being considered is:

- (a) The security of the property of the **City** or local board;
- (b) Personal matters about an identifiable individual, including **City** or local board employees;
- (c) A proposed or pending acquisition or disposition of land by the **City** or local board;
- (d) Labour relations or employee negotiations;
- (e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) A matter in respect of which a **Council**, Board, **Committee** or other body may hold a closed meeting under another Act;
- (h) 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;
- (i) 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;

- (j) 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
- (k) 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;
- (l) For the purpose of educating or training the **Members**. During such **Meetings**, no **Member** may discuss or materially advance the business or decision-making of **Council**, **Committee** or a Local Board.

6.2 **Council** shall, by **Resolution**, close a **Meeting** or part of a **Meeting** to the public in accordance with section 239 of the **Municipal Act**, if the subject matter being considered is:

- (a) A request under the Municipal Freedom of Information and Protection of Privacy Act, if the **Council**, board, commission or other body is the head of an institution for the purposes of that Act; or,
- (b) An ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, and as referred to in subsection 223.13 (1) of the **Municipal Act**, or the investigator referred to in subsection 239.2 (1) of the **Municipal Act**.

6.3 A **Motion** to close a **Meeting** or part of a **Meeting** to the public shall state the:

- (a) Intention to close the **Meeting** to the public; and,
- (b) General nature of the matter to be considered at the **Confidential Meeting** and the grounds for closing the **Meeting** as set out in the **Municipal Act**.

6.4 Where a **Meeting** or part of a **Meeting** is closed to the public, all persons not specifically invited to remain by **Council** shall leave the **Meeting** room.

6.5 If **Council** requires a person(s) to remain during a **Meeting**, or part of a **Meeting**, that is closed to the public who are not **Members** or City staff, it must adopt a **Resolution** to that effect.

6.6 Only votes relating to procedural matters or direction to staff may be taken during a **Confidential Meeting**, unless otherwise authorized by legislation.

6.7 Upon completion of the **Confidential Meeting**:

- (a) The **Members** shall immediately reconvene in open session;
- (b) The **Mayor or Chair** shall report any outcomes on the **Confidential Meeting** as necessary; and,

- (c) If applicable, the **Members** shall vote during the open session on any **Resolutions** originating from the **Confidential Meeting**.

7. DUTIES AND CONDUCT

7.1 Duties of the Chair

It shall be the duty of the **Chair** to:

- (a) Put to a vote all **Pending Motions** and to announce the result of the vote.
- (b) Decline to put to a vote **Motions** which contravene this By-law.
- (c) Restrain the **Members**, in accordance with the By-law, when engaged in debate.
- (d) Enforce on all occasions, the observance of order and decorum among the **Members**, staff and the public.
- (e) Request any **Member** persisting in a breach of decorum or of any of the **Rules of Procedure** to cease and apologize, and if necessary order the **Member** to vacate the **Meeting** room.
- (f) Decide all questions on **Points of Order** or **Points of Privilege** at **Meetings**, subject to an appeal (i.e. a "Challenge to the Chair") by any **Member** on any questions of order in respect to business before the **Council**.
- (g) Execute all by-laws and **Resolutions** passed at the **Meeting**, when necessary.
- (h) Ensure that Members take a break by announcing a minimum ten minute recess after two hours have passed since the last break.
- (i) Declare a **Meeting** adjourned after 12:00 midnight unless two-thirds of the **Members** present consent to extend the length of the **Meeting**.

7.2 Conduct of Members at Meetings

Members shall act in a respectful and courteous manner that allows **Council** to effectively address all matters before it. **Members** are expected to show respect for **Deputants** and fellow **Members** and Staff by being courteous and not distracting from the business of the **Council** during presentations and when other **Members** have the floor.

No **Member** shall:

- (a) Use indecent, offensive or insulting language or speak disrespectfully of any individual.
- (b) Speak on any subject other than the subject being debated.

- (c) Criticize any decision of **Council** except for the purpose of moving that a Motion be reconsidered.
- (d) Fail to comply with the **Rules of Procedure** or disobey a decision of the **Chair** on questions of order or on the interpretation of the **Rules of Procedure**, unless the **Member** appeals an interpretation of the rules.

Where a **Member** persists in any such disobedience after having been called to order by the **Chair**:

- i. The **Chair** shall put a question to **Council** for a vote. Amendments, adjournments or debates shall not be allowed upon such question. The question to be voted on is, "That the **Member** be required to leave the **Meeting** room." The question requires a majority vote for adoption.
 - ii. If the question carries, the **Chair** will order the **Member** to leave the **Meeting** room for the remainder of the **Meeting** and the **Member** shall comply.
 - iii. If the **Member** advises the **Clerk** that the **Member** wishes to apologize to **Council**, the **Clerk** will inform the **Chair**, who will permit the **Member** to do so, and with **Council**'s consent, the **Member** may return to his/her seat.
- (e) Disclose any of the content of a **Meeting** that was closed to the public or provide confidential documents or materials to unauthorized individuals.
 - (f) Read aloud, any texts, emails, or other communications, that have not been received by the **Clerk** and are not part of the official meeting records without the majority consent of **Members** present at a **Meeting**.

Members shall ensure that their communication devices are set to silent mode during a **Meeting**. If **Members** must answer a phone call to respond to a matter, they shall leave the meeting room.

7.3 Speaking Order and Limit

- (a) The **Chair** shall determine and administer the speaking order;
- (b) Each **Member** may only speak for a maximum of 5 minutes at a time during debate, however, he/she may speak as often as he/she wishes. This time restriction does not apply to **Members** when they are asking questions and seeking clarification from **Deputants** and staff.
- (c) If requested, the mover or seconder of a **Motion**, has the right to be the last **Member** to speak on a **Motion**; and,
- (d) When a **Member** is speaking to a **Motion**, he/she shall confine his/her remarks to the **Motion**.

7.4 Point of Order

- (a) A **Member** may interrupt at any time the person who has the floor to raise a point of order when such **Member** feels that there has been a deviation or departure from the **Rules of Procedure**.
- (b) Upon hearing such point, the ruling of the **Chair** shall be final unless the **Member** and a seconder appeals the ruling to **Council** or **Committee**, which shall then decide upon the question without debate. The question to be decided is "Shall the ruling of the **Chair** be upheld?" In order to overturn the decision of the **Chair**, a majority vote of **Council** or **Committee** is required.

7.5 Point of Privilege

- (a) A **Member** may interrupt at any time the person who has the floor to raise a point of privilege when such **Member** feels that his/her integrity or the integrity of the **Council** or **Committee** has been impugned by any individual.
- (b) Upon hearing such point, the ruling of the **Chair** shall be final unless the **Member** and a seconder appeals the ruling to **Council** or **Committee**, which shall then decide upon the question without debate. The question to be decided is "Shall the ruling of the **Chair** be upheld?" In order to overturn the decision of the **Chair**, a majority vote of **Council** or **Committee** is required.
- (c) Where the **Chair** rules that a breach of **Privilege** has taken place, and that ruling is upheld, if necessary, by a vote of **Council** or **Committee**, the **Chair** shall demand that the offending **Member** or **Deputant** apologize, and absent of such apology, shall request such **Member** or **Deputant** to leave the **Meeting** room for the duration of the **Meeting**.

7.6 Public Decorum at Meetings

The public is welcome to attend all **Council** and **Committee Meetings** held in open session. Members of the public attending **Meetings** shall conduct themselves in a courteous and respectful manner and in accordance with this By-law.

- (a) **Members** of the public who attend a **Meeting** will maintain order and shall not:
 - i. Address **Council** without the permission of the **Chair**.
 - ii. Interrupt any speech or action of the **Members** or any person addressing **Council**.
 - iii. Display signs or placards, heckle, clap or jeer at the comments of a **Member**, a **Deputant** or staff, or engage in conversation or other behaviour which may disrupt the proceedings of the **Meeting**.
 - iv. Use indecent, offensive or insulting language or speak disrespectfully to or about any individual.

- (b) All cell phones and electronic devices shall be turned off and/or set to silent mode during a **Meeting**.
 - (c) The **Chair** may request security personnel or staff to expel or exclude from any **Meeting** any person who fails to comply with these **Rules of Procedure**.
 - (d) No person, except **Members** and Staff of the **City**, shall be allowed to approach the area where **Members** are seated during the **Meeting** without the permission of the **Chair**.
 - (e) Individuals who wish to submit materials for **Council's** consideration must do so through the **Clerk**.
- 8) That By-law No. 2001-1, and all subsequent by-laws amending this By-law be repealed and replaced with By-law Number 2017-5.

Read a first, second, and third time and passed on February 13, 2017.

"Kimberley Kitteringham"

Kimberley Kitteringham
City Clerk

"Frank Scarpitti"

Frank Scarpitti
Mayor

SCHEDULE "A" TO BY-LAW 2017-5 FORM OF MEETING NOTICES

(a) Notice

1. Notice shall be given of **Meetings**.

(b) Time and Form of Notice

1. The form of the notice shall include the following information, as applicable:
 - A description of the purpose of the **Meeting**.
 - The date, time and location of the **Meeting**.
 - Where the purpose of the **Meeting** is related to specific lands within the **City**, a key map showing the affected lands.
 - The name, address, phone number and email address of the person who will receive written comments on the issue which is the subject of the **Meeting** and the deadline for receiving such comments.
2. Where notice is prescribed by a specific Act or Legislation, the municipality shall give notice in accordance with the Act or Legislation.
3. Where notice is not prescribed, notice shall be published as follows:
 - (a) On the **City** of Markham website; or
 - (b) Using the **City's** social media accounts; or
 - (c) On the **Agenda**; or
 - (d) In the local **Newspaper** for matters of **City**-wide nature; or
 - (e) All of the above.
4. Nothing in this By-law shall prevent the **Clerk** from using more extensive methods of notice.
5. Nothing in this By-law shall prevent the **Clerk** from using longer timeframes for providing notice.

(c) Emergency Issue Notice

1. If a matter arises, which, in the opinion of staff in consultation with the Chief Administrative Officer, is considered to be of an urgent nature, and which would affect the health or well-being of the residents of the **City**, or if so advised by a Provincial or Federal Ministry, the notice requirements of this By-law shall be waived and the **Clerk** and Chief Administrative Officer shall make their best efforts to provide as much notice as is reasonable under the circumstances.

**SCHEDULE "B" TO BY-LAW 2017-5
TERMS OF REFERENCE
FOR GENERAL COMMITTEE**

Composition

- (a) The General **Committee** shall be composed of all **Members of Council**.

Mandate

(a) **General**

The mandate of the General **Committee** of the **City** shall be:

- To report and make recommendations to **Council** on matters relating to **City**-owned land and buildings, administrative matters relating to **City** policies, by-laws and licences and such other similar matters as **Referred** to it by **Council or the Clerk**; and
- To report and make recommendations to **Council** on matters relating to community service policies, including roads, environmental management, fire and other protective services and such other similar matters as **Referred** to it by **Council or the Clerk**.

(b) **Specific Duties**

Notwithstanding the generality of the foregoing, the specific duties of the General **Committee** of the **City** shall include the following, to:

1. Report and make recommendations to **Council** on matters of policy involving general policies and procedures and administrative by-laws;
2. Monitor the **City's** revenue and expenditures on an ongoing basis as each financial year progresses;
3. Report and make recommendations to **Council** on matters of policy pertaining to financial management;
4. Report and make recommendations to **Council** on matters of policy relating to the collection of taxes;
5. Report and make recommendations to **Council** on matters of policy respecting human resources, including health and safety, employee or union/management relations and the various employee groups;
6. Report and make recommendations to **Council** on matters of policy related to licensing;
7. Report and make recommendations to **Council** on matters of policy as they relate to **City** acquisitions and dispositions of property, parks, including construction, property maintenance, pedestrian walkways, snow removal and grass cutting on **City**-owned property;

8. Report and make recommendations to **Council** on matters of policy involving purchasing and tendering, records management and the management and release of information;
9. Report and make recommendations to **Council** on matters of policy involving communications issues;
10. Report and make recommendations to **Council** on matters relating to the **City's** Accountability Officers.
11. Report and make recommendations to **Council** on policy matters relating to recreation, parks, cultural affairs, multi-cultural matters, community organizations;
12. Report and make recommendations on special events/occasions;
13. Liaise, as may be necessary, with various community groups regarding specific problems or specific areas of interest or concern.
14. Report and make recommendations to **Council** on safety/emergency and accessibility matters;
15. Liaise with York Regional Police for the purpose of reducing crime;
16. Report and make recommendations to **Council** on matters of policy regarding waste management, including garbage collection and disposal;
17. Report and make recommendations to **Council** on matters of policy regarding existing water and sewer infrastructure;
18. Report and make recommendations to **Council** on matters of policy and programs regarding environmental management, including pesticide issues, sustainability and conservation;
19. Report and make recommendations to **Council** on protection and enhancement of the quality of the natural environment, including the maintenance and operation of municipal parks and public and private green space;
20. Report and make recommendations to **Council** on matters relating to the **Committees of Council**;
21. Report and make recommendations to **Council** on matters of policy regarding existing roads, sidewalks and bicycle paths;
22. Report and make recommendations to **Council** on legal issues;
23. Report and make recommendations to **Council** on matters of policy regarding current roads operations, including winter maintenance; and
24. Consider such similar matters as may be **Referred** by **Council** or the Chief Administrative Officer or the **Clerk** from time to time.

The General **Committee** shall have the ability to second people from the community for the purpose of establishing advisory **Committees** and task forces for specific issues or events, as necessary, which would provide meaningful assistance but which shall advisory **Committees** and task forces dissolve upon completion of the task.

**SCHEDULE "C" TO BY-LAW 2017-5
TERMS OF REFERENCE
FOR DEVELOPMENT SERVICES COMMITTEE**

Legislative Authority

- (a) The Development Services **Committee** of the **City** shall be constituted and appointed pursuant to the relevant provisions of the **Municipal Act**.

Composition

- (a) The Development Services **Committee** shall be composed of all **Members** of **Council**.

Mandate

(a) **General**

The general mandate of the Development Services **Committee** shall be:

- To report and make recommendations to **Council** on matters within the purview of the municipality under the **Municipal Act**, Planning Act, Condominium Act, Rental Housing Protection Act, Environmental Assessment Act, Ontario Heritage Act, and related legislation, and such other similar matters of a planning nature as are **Referred** to it by **Council**;
- To report and make recommendations to **Council** on matters relating to economic and culture strategy, and administrative matters relating to **City** policies, marketing and such other similar matters as **Referred** to it by **Council**; and,
- To report and make recommendations to **Council** on matters relating to transit planning, transportation, environmental assessment, and other similar matters as **Referred** to it by **Council**.

(b) **Specific Duties**

Notwithstanding the generality of the foregoing, the specific duties of the Development Services **Committee** shall include the following, to:

1. Report and make recommendations to **Council** on the Markham Official Plan and Zoning By-Laws and amendments thereto, pursuant to the Planning Act, and to conduct such related public **Meetings** as may be required pursuant to the Planning Act;
2. Exercise the approval authority delegated to the **Committee** by **Council** pursuant to the Site Plan Control provisions of the Planning Act and the Sign By-law provisions of the **Municipal Act**, with such limitations, provisions and exemptions as **Council** may from time to time determine;
3. Report and make recommendations to **Council** on applications for subdivision and condominium approval pursuant to the Planning Act and Condominium Act, as applicable;
4. Report and make recommendations to **Council** on policy issues relating to economic development;

5. Report and make recommendations to **Council** on such matters as community planning, urban design guidelines, environmental policy, heritage policy and related housing policy and programs in accordance with the directions contained in the Official Plan;
6. Report and make recommendations to **Council** on all matters of a planning policy and program nature as are **Referred** to it by **Council** including the conducting of such public **Meetings** as may be required with respect to such matters, policies and programs;
7. Advise **Council** on those matters of a planning and development nature which, in the opinion of the **Committee**, warrant **Council's** particular consideration and direction;
8. Report and make recommendations to **Council** with respect to planning and policy matters and defined planning areas including secondary plans, neighbourhood plans, park plans, land use concept plans, heritage district plans, and land use issue studies and to conduct related public information programs;
9. Report and make recommendations to **Council** on matters of policy respecting engineering standards and transportation and servicing infrastructure to support new development and re-development;
10. Report and make recommendations to **Council** on parks and public open space policy and standards, and parks infrastructure to support new development and re-development;
11. Report and make recommendations to **Council** on Urban Design Awards for the **City**;
12. Report and make recommendations to **Council** regarding matters arising from the work of the **Committee** of Adjustment in considering applications for consent and minor variance under the Planning Act, including **City** participation at any Ontario Municipal Board Hearings to consider the appeal of **Committee** of Adjustment decisions;
13. Report and make recommendations to **Council** on matters of policy regarding building inspection, including building and foundation permits;
14. Periodically review and update the **City's** Economic Development Strategy that positions Markham as the best place to work and locate high-tech and other leading business in North America;
15. Report and recommend to **Council** an annual marketing plan, marketing activities, and a budget that would enable the Economic Development Strategy to be achieved;
16. Report and recommend to **Council** policy initiatives that will support and enhance the economic well-being and competitiveness of Markham. The Development Services **Committee** will act as a forum for informed opinion and strategic advice

in support of policy initiatives that can help to strengthen the **City's** economic well-being, and the prosperity of the community;

17. Monitor and evaluate the success and effectiveness of the **City's** economic development program. On a regular basis (at least annually), the Development Services **Committee** will formally report to **Council** on the success and effectiveness of the **City's** economic development program;
18. Report and make recommendations to **Council** on improvements to transportation infrastructure and on the effective and efficient movement of people and goods;
19. Report and make recommendations to **Council** on matters of policy regarding existing roads, sidewalks and bicycle paths; and
20. Consider such other similar matters as may be **Referred** by **Council** or the Chief Administrative Officer from time to time.

The Development Services **Committee** shall have the ability to second people from the community for the purpose of establishing Advisory **Committees** and task forces for specific issues or events, as necessary, which would provide meaningful assistance but which shall advisory **Committees** and task forces dissolve upon completion of the task.