

Proposed Amendments to Markham City Council's Procedural By-law

**Presentation to General Committee
November 14, 2016**

**Please note that information added in this presentation since the
October 31, 2016 General Committee meeting has been noted in red font.**

Purpose

- To continue the review of suggested amendments to Markham City Council's current Procedural By-law (follow-up to the October 31, 2016 General Committee meeting).
- The goal of the proposed amendments is to:
 - Update current By-law provisions to provide greater clarity of procedural rules.
 - Increase the effectiveness & efficiency of Markham's Council & Standing Committee meetings.

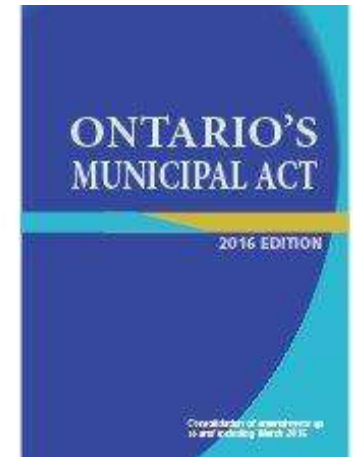
Presentation Overview

1. Background
2. Guiding Principles of the By-law Review
3. Best Practice Review
4. Councillor Feedback
5. Housekeeping/Administrative Amendments to By-law
6. Proposed Substantive Amendments to By-law
7. Conclusion
8. Next Steps & Recommendations



1. Background

- In accordance with Section 238(2) of the Municipal Act every Ontario municipality & local board is required to adopt a procedural by-law to govern the calling, location & proceedings of meetings.
- A well constructed Procedural By-Law facilitates the business of City Council.



1. Background (Cont'd)

- Markham City Council enacted its current Procedural By-law in 2001 & minor amendments were made in 2008 (see [Appendix A](#) to this Presentation for current By-law).
- In late 2015, Legislative Services Staff provided a “*Procedural By-law Overview*” presentation to General Committee & advised Committee that staff would be reviewing the By-law & reporting back with proposed amendments in 2016.

2. Guiding Principles of By-law Review

1. Markham City Council is the decision-making body of the Corporation - decisions of Council are paramount;
2. Council's Committees make recommendations to Council. Committees are not the final decision-making bodies unless that power has been explicitly granted by Council;
3. Stakeholder input is a valued part of the decision-making process;



2. Guiding Principles (Cont'd)

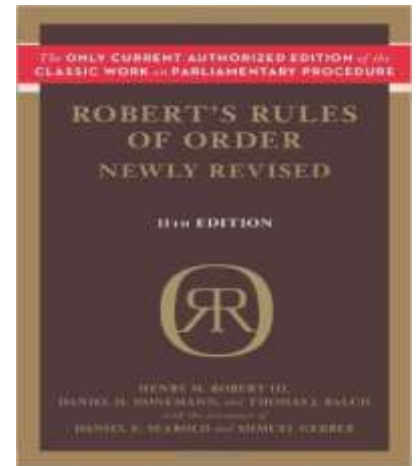
4. Council receives public input/feedback through multiple channels including email, social media, & attendance at public or special events, etc. (& not just at formal meetings);
5. Council's decision-making processes should:
 - Be open & transparent;
 - Take into account the best interests of all Markham residents;
 - Be conducted in an environment which is respectful of all participants;
 - Balance debate with the need to make recommendations/decisions in a timely manner; &
 - Take into consideration the impact on City staff.



2. Guiding Principles (Cont'd)

6. Procedural rules should facilitate – not hinder – the business of Council;
7. Procedural rules should comply with Robert's Rules of Order & should be written in plain language; &

"The application of parliamentary law is the best method yet devised to enable assemblies of any size, with due regard for every member's opinion, to arrive at the general will on the maximum number of questions of varying complexity in a minimum amount of time and under all kinds of internal climate ranging from total harmony to hardened or impassioned division of opinion." - Robert's Rules of Order (11th edition)



2. Guiding Principles (Cont'd)

8. The City will proactively communicate to the public regarding matters before Council & Standing Committees.



3. Best Practice Review

- Over the past several months, Staff conducted best practice research on municipal meeting management.
- Staff also reviewed the Procedural By-laws of *16 Ontario municipalities.
- A summary of the municipal research is attached to this Presentation as [Appendix B](#).



*Aurora, Barrie, Brampton, Burlington, London, Mississauga, Oakville, Oshawa, Ottawa, Richmond Hill, Thunder Bay, Toronto, Vaughan, Waterloo, Whitby & York Region.

4. Councillor Feedback

- Staff met with individual Councillors to obtain feedback on the current Procedural By-law.
- Discussions with Councillors focused on what worked/didn't work with the current By-law & meeting practices as well as a clarification of existing By-law definitions/requirements.
- A summary of feedback received from Councillors is attached as [Appendix C](#).



4. Councillor Feedback (Cont'd)

- Councillor interviews - common themes:
 - Council & Committee meetings are overly long & lead to public perception of diminished decision-making (especially during late night meetings).
 - “Sitting is the new smoking”.
 - Greater enforcement of decorum & speaking limits by Chairs is needed.
 - Delegation rules should be revised to avoid unnecessary duplication & to eliminate confusion with respect to speaking limits.
 - Process for getting an item listed on an agenda needs to be reviewed.



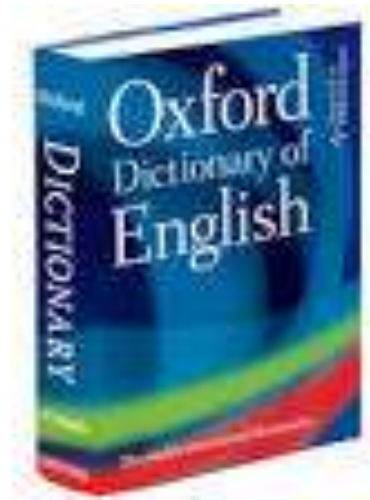
5. Administrative Amendments - Definitions

- The proposed revised Procedural By-law is attached to this presentation as Appendix D – new or substantively revised provisions are highlighted in blue.
- Several definitions were amended in the Procedural By-law for greater clarity, including: Committee (Page 3), Member (Page 3), & Meeting (Page 3).

“Unless the reason for a rule is understood, it is difficult to learn the rule, and it is still more difficult to apply it successfully in practice.” - George C. Crocker, 1889

5. Definitions (Cont'd)

- A number of new definitions were *added* to the By-law including:
 - Confidential Meeting (Page 3)
 - Frivolous (Page 3)
 - Pecuniary Interest (Page 4)
 - Postpone (Page 4)
 - Vexatious (Page 5)
 - Workshop (Page 5)



5. Administrative Amendments – Orders of Business


- Staff are proposing to amend the “Orders of Business” section of the Council agenda to remove petitions (Section 4.11, Page 8).
- Petitions will instead be presented at Standing Committee as typically they are referred (at Council meetings) back to staff for a report.
- This change should make the petition process more effective & efficient.

5. Administrative Amendments - Announcements

- Staff are proposing to add an “Announcement” section of Standing Committee & Council agendas (Section 4.17, Page 11).
- Council Members will be permitted to make general interest announcements or offering congratulations or condolences:
 - Restricted to 1 minute per Member & non-debatable.
 - Occurs after New/Other business.



5. Administrative Amendments – New/Other Business

- The current By-law defines New/Other Business as “Information items only” (not substantive items in other words). Differentiating between “substantive” versus “Information” items is often subjective.
- Staff are proposing to revise the current definition to clarify the intent of New/Other Business (Section 4.16, Page 11). 
- The proposed new By-law section stipulates that New/Other Business items must fall into one of two categories:
 - Information that has a statutory time requirement or is time sensitive.
 - An emergency.

5. Administrative Amendments – Close Debate

- Staff propose to add a Section to the revised Procedural By-law to “Close Debate & Vote Immediately” (sometimes referred to as “call the question”) (Section 5.9 (e), Pages 16-17).
- The practice of “calling the question” is already in use by Markham City Council – the new Section reflects this practice & is written in plain language.
- Allows Councillor to make a motion to end debate & force a vote on the motion in question – it requires 2/3 consent & the speakers’ list must first be exhausted.

5. Administrative Amendments – Conduct of Members

- The City has periodically received complaints from the public that Councillors are reading aloud from emails, etc. that are not part of the meeting record (i.e. residents do not get the benefit of seeing what is being referred to as the material has not been provided to the City Clerk).
- Staff propose to add a provision in the current “Conduct of Members” section to prohibit Councillors from reading aloud (at a meeting) from any emails, text, social media posts, papers, etc., unless they are part of the meeting record, without the consent of the majority of Councillors present (Section 7.2(f), Page 22).

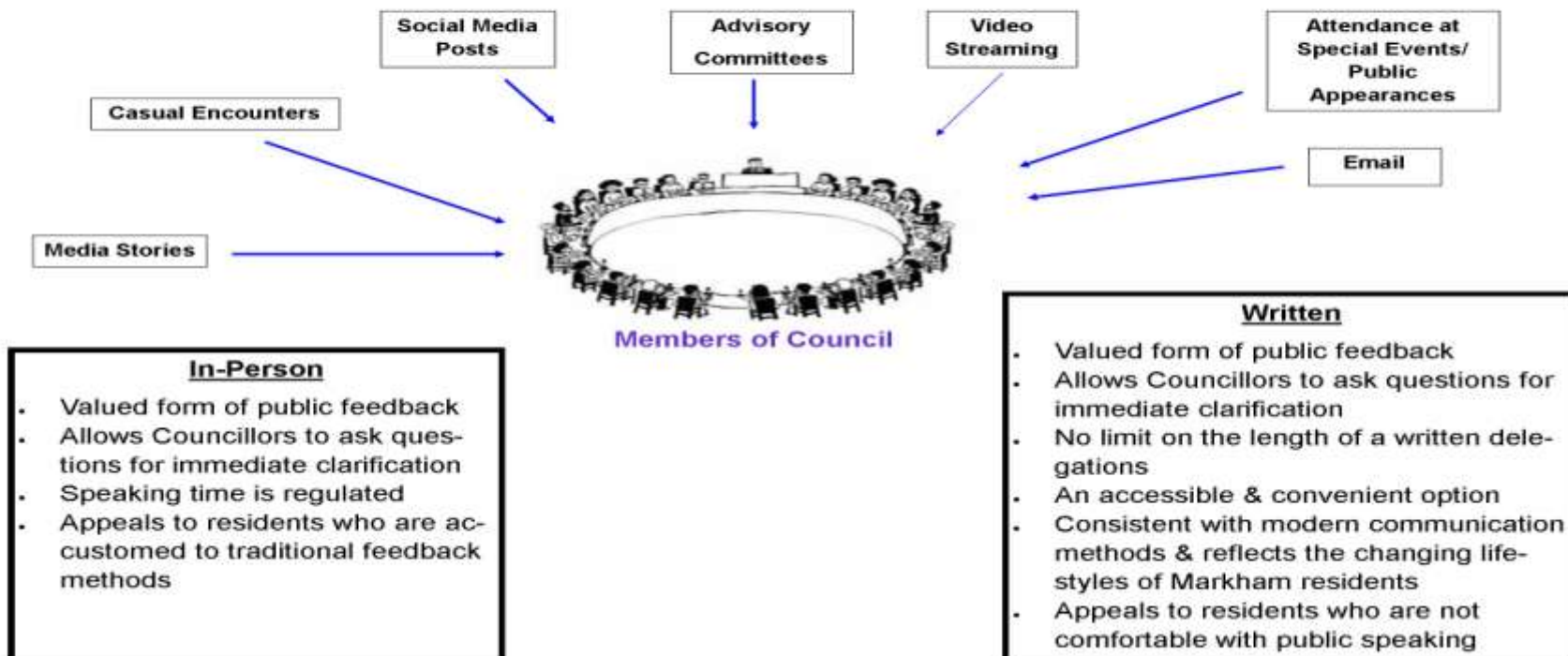


5. Administrative Amendments – Public Decorum

- The City has occasionally received complaints from Councillors & the public regarding the conduct of meeting attendees.
- Staff propose to include additional provisions to the “Public Decorum” section of the Revised By-law (Section 7.6, Page 23), including:
 - Not addressing Council without Council’s permission.
 - Not interrupting a Councillor or a Delegate while they are speaking.
 - Not speaking disrespectfully of any person.



How Do Council Members Receive Public Feedback



6. Substantive Amendments - Delegations

- The most significant debate on a matter typically occurs at the Standing Committee level.
- Unlike some Ontario municipalities, Markham Standing Committees are comprised of all Members of Council.
- Delegates frequently attend both Standing Committee & Council meetings on the same item & often provide identical information (Members of Council hear the delegation twice).



6. Delegations (Cont'd)

- Markham's current Procedural By-law (Section 3.13) allows:
 - An individual to speak for 5 minutes at Standing Committee &/or at Council;
 - An individual representing more than 5 persons **who are present at the meeting** to speak for 10 minutes.
- The current provision has not been consistently applied & has resulted in confusion as to what constitutes a "group".

6. Delegations (Cont'd)

- Over the past 3 years, the average number of delegations at Markham's meetings is as follows:
 - Standing Committee (daytime meeting) – 3 delegates.
 - City Council (evening meeting) – 3 delegates.
- In-person delegations typically linked to a high interest agenda item (example: PowerStream merger).

6. Delegations (Cont'd)

- Of the 16 Ontario municipalities surveyed:
 - 13 do not distinguish between individuals & groups in terms of speaking time allocation (& do not define “groups”).
 - 10 have a 5 minute delegate speaking limit & 6 have a 10 minute delegate speaking limit.
 - 7 do not permit delegations at Council meetings.
 - 6 have some form of delegation restriction, such as the ability to appear at Standing Committee **or** at Council, but not at both.

6. Delegations (Cont'd)

- Staff are proposing the following changes to the City's current provisions regarding delegations (Section 4.15, Pages 9-11):
 - Remove the distinction between an individual & group;
 - Impose a 5 minute maximum speaking limit on all delegations;
 - Restrict in-person delegations to the Standing Committee level only (written delegations still permitted at Council); &
 - Prohibit delegations that make requests for financial assistance, are frivolous or vexatious in nature, or lobby Council for the purpose of soliciting business.

6. Meeting Times



- In general, there appears to be growing interest in greater work/life balance by all meeting participants.
- Concerns have also been expressed that late night meetings (particularly when preceded by a full day of other meetings) are not conducive to effective decision-making or public participation.
- In the past 24 Council meetings, 13 Meetings went past the hour of 10:00 PM (6 of these 13 meetings went beyond midnight).

6. Meeting Times (Cont'd)

- The current lack of a hard end time for Council & Standing Committee meetings makes it difficult for all meeting participants (Council, staff & the public) to manage their time.
- Staff propose the following:
 - Amend Markham City Council meetings from the current 7:00 PM start time to 9:30 AM & with a new end time of 1:00 PM.
 - Amend Standing Committee meetings from the current 9:00 AM start time to 1:00 PM & with a new end time of 6:00 PM.

For Example: November 2016

Sun.	Monday	Tuesday	Wednesday	Thursday	Friday	Sat.
		1	2	3	4	5
6	7 G.C. 1:00–6:00pm	8 D.S.C. 1:00–6:00pm	9	10	11	12
13	14	15 Council 9:30am-1:00pm	16	17	18	19
20	21 G.C. 1:00–6:00pm	22 D.S.C. 1:00–6:00pm	23	24	25	26
27	28 D.S. Public 6:00–9:00pm	29 Council 9:30am-1:00pm	30	G.C. - General Committee D.S.C. - Development Services Committee D.S. Public - Development Services Public Mtg.		

6. Meeting Times (Cont'd)


- The proposed meeting time changes:
 - Addresses a variety of concerns raised by meeting participants (Council, staff & the public);
 - Include “hard stop times” to allow meeting participants to better manage their time;
 - Are consistent with the proposal to permit in-person Delegations at Standing Committee & written Delegations at Standing Committee & Council; &
 - Reflect the evolving manner through which Councillors now receive public input as well as the changing needs of Markham residents.

6. Meeting Times (Cont'd)

- City Council retains the ability to hold Standing Committee &/or Council meetings at alternate times for matters of significant public interest.

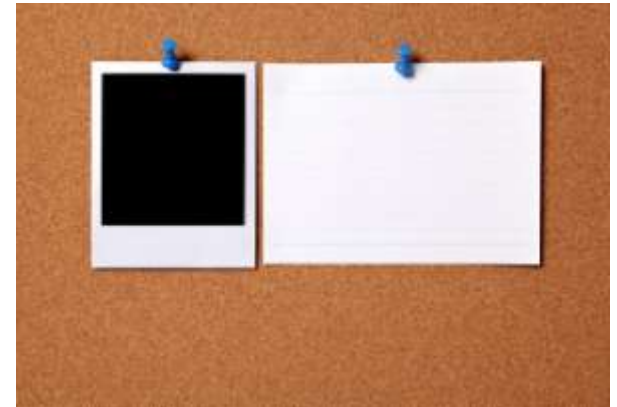
Reminder: The City of Markham will soon begin the video streaming of all Standing Committee & Council meetings. This will allow residents to view (in addition to hear) all meeting proceedings.

6. Speaking Limits

- Staff propose the following speaking limits be incorporated into the Revised Procedural By-law (Section 7.4(a)(b), Page 22):
- At Standing Committee – No speaking limit for the first time a Councillor speaks to a matter & a 5 minute restriction for their second time speaking to the same matter.
- At Council – Members have a 10 minute speaking limit the first time they speak to a matter & a 5 minute restriction for their second time speaking to the same matter.

6. Notice of Motion

- A Notice of Motion is currently permitted at the Council level only.
- Markham Councillors have introduced Notices of Motion on a variety of matters including: the jurisdiction of the OMB & the election of the Chair of York Region.



6. Notice of Motion (Cont'd)

- Staff propose the following changes be included in the Revised Procedural By-law (Section 5.4, Pages 12-13):
 - Notices of Motion will be permitted at the Standing Committee level only, except for a Notice of Motion for Reconsideration of a matter which must occur at Council.
 - The City Clerk may remove the Motion from a Standing Committee agenda if it has been on the agenda for 2 successive meetings without being debated.

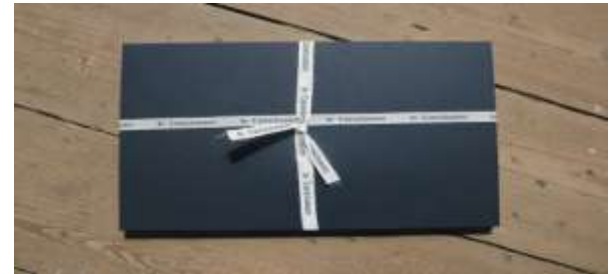
6. Health & Wellness Break

- Research has linked sitting for long periods of time with various health concerns, including obesity, cardiovascular disease & premature aging.
- Staff are proposing that Councillors take a minimum 10 minute “Health & Wellness Break” after every 2 hours of discussion/debate (Section 7.1(h) – Page 21).
- Staff suggest meeting Chairs actively encourage meeting participants to stand/move around during meetings.



7. Conclusion

- The objective of the revised Procedural By-law is to assist Members of Councillors in carrying out the business of Council in an efficient & effective manner.
- Proposed amendments to Markham City Council's Procedural By-law are based on:
 - Best practice research.
 - Feedback from Members of Council.
 - Guiding Principles.
 - Robert's Rules of Order & Provincial legislation.



7. Conclusion (Cont'd)

- As part of this review, Markham's current Procedural By-law, as well as the proposed amendments to it, were also reviewed by Jim Lochrie, Certified Professional Parliamentarian & Parliamentary Law Instructor for input.



8. Next Steps

- 1) Present an amended By-law for Council adoption on **November 29, 2016**.
- 2) Return to General Committee on **November 28, 2016** with a proposed 2017 Standing Committee & Council meeting calendar based on today's feedback.
- 3) Return in Q2 2017 to General Committee with revised procedures for Markham's Boards & Advisory Committees.

9. Recommendations

- 1) That the presentation entitled “*Proposed Amendments to Markham City Council’s Procedural By-law*” be received;
&
- 2) That Staff provide a revised Procedural By-law for consideration at the **November 29, 2016** Markham City Council meeting.

Recommended



Questions?



TOWN OF MARKHAM

ONTARIO



BY-LAW 2001-1

A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND COMMITTEES OF COUNCIL

This By-law is printed under and
by authority of the Council of the Town of Markham

(PASSED on December 5, 2000 under By-law 2001-1
AND RE-ENACTED on December 10, 2002 under By-law 2002-337).
(Schedule/Attachment Included)

Amended by

By-law No. 2003-346 – 16 December 2003
By-law No. 2004-14 – 27 January 2004
By-law No. 2004-38 – 10 February 2004
By-law No. 2004-46 – 9 March 2004
By-law No. 2004-326 – 30 November 2004
By-law No. 2004-336 – 14 December 2004
By-law No. 2006-109 – 9 May 2006
By-law No. 2007-11 – 19 December 2006
By-law No. 2007-262 – 27 November 2007
By-law No. 2008-46 – March 25, 2008

(Office Consolidation to March 27, 2008)



BY-LAW 2001-1

A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND COMMITTEES OF COUNCIL

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WHEREAS Section 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 Council enacted By-law 2001-1 on December 5, 2000.

AND WHEREAS Section 239 of the *Municipal Act, 2001* provides that land disposition shall be considered in-camera.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM ENACTS AS FOLLOWS:

1. DEFINITIONS

In this By-law:

- a) “**Chair**” means the person presiding at a meeting.
- b) “**Clerk**” means the Town Clerk or Deputy Clerk of the Town of Markham.
- c) “**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 one or more Councils or Local Boards.

(Amended by By-law No. 2007-262)

- d) “**Council**” means the Council of the Town of Markham.
- e) “**Mayor**” means the Head of Council as defined in the *Municipal Act*.
- f) “**Member**” means any Member of Council as defined in the *Municipal Act*.
- g) “**Quorum**” means 50% + 1 Member of Council or Committee.
- h) “**Rules of Procedure**” means the rules and regulations governing the proceedings of Council and its Committees.
- i) “**To defer**” means to postpone a decision or discussion on a matter until later in the same meeting or to a future meeting of Council or Committee.
- j) “**To table**” means to introduce an item for discussion at a meeting.
- k) “**Town**” means the municipality of the Town of Markham.
- l) “**Meeting**” means any regular, special or other meeting of a Council, of a Local Board or of a Committee of either of them.

(Amended by By-law No. 2007-262)

- m) **"Agenda"** means a Town of Markham Standing Committee/Council agenda.
(Amended by By-law No. 2007-262)
- n) **"Newspaper"** means a printed publication or publications in sheet form, intended for general circulation in the municipality, published regularly at intervals of not longer than a week, consisting in great part of news of current events of general interest and sold to the public and to regular subscribers e.g. the Markham Economist and Sun and the Thornhill Liberal.
(Amended by By-law No. 2007-262)
- o) **"Publish"** means published in a daily, weekly, bi-weekly or tri-weekly newspaper that, in the opinion of the Clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby, and "publication" has a corresponding meaning.
(Amended by By-law No. 2007-262)
- p) **"Town of Markham website"** means the Town of Markham website at www.markham.ca.
(Amended by By-law No. 2007-262)

2. GENERAL PROVISIONS

2.1 Rules and Regulations

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 the Committees thereof, provided that the Rules of Procedure contained herein may be suspended by a two-thirds vote of the Members of Council or Committee present at the meeting.

2.2 Alternative Interpretation

In the event of a conflict in the interpretation of any provision of this procedural by-law, reference shall be made to Robert's Rules of Order for clarification.

2.3 Preparation of the Agenda

Prior to each regular Council meeting, the Clerk shall prepare an agenda of all the business to be brought before such meeting. The agenda shall be distributed to Members of Council and the press at least 48 hours before the meeting.

2.4 Addendum Items

Items of an urgent nature only may be added to an agenda but shall require a two-thirds vote. Reports that are presented to be addendum shall include an explanation as to its urgency.

2.5 Record of the Proceedings

The Clerk shall be the secretary of all meetings of Council. 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 Council members present; the time Members arrive late and leave early;
- c) any conflict of interest;
- d) a record of each item before Council for consideration;
- e) recommendations to Council on each item;
- f) the names of deputants appearing before Council.

2.6 **Minutes**

- a) Minutes of a meeting of Council shall be approved at the next regular meeting of Council.
- b) It shall be the duty of the Clerk to deliver to each Member not less than 48 hours prior to a regular meeting of Council, the minutes of the last regular meeting of Council and all subsequent meetings of Council held more than four days before the regular meeting.

2.7 **Recording Equipment**

Regular Council meetings shall be recorded through audio streaming on the website. The use of audio and video recording equipment in the Council Chamber by the public or the media will be permitted provided that it is not disruptive to the meeting. The location of recording equipment will be at the discretion of the Chair.

(Amended by By-law No. 2004-326)

2.8 **Signing Authority**

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

2.9 **Form of Meeting Notices**

That the form of meeting notices be provided as outlined in Schedule "A" attached hereto.

(Amended by By-law No. 2007-262)

3. **COUNCIL MEETINGS**

3.1 **Inaugural Meeting**

The first meeting of a newly elected Council after a regular election should be held on the first Tuesday in December at 7:30 p.m.

3.2 **Regular Meeting Times**

Regular meetings of Council shall be held at the hour of 7:00 p.m. (local time) on the second and fourth Tuesdays of each month, unless otherwise provided by a resolution of Council.

(Amended by By-law No. 2007-11)

3.3 **Special Meetings of Council**

The Mayor may, at any time, summon a special meeting of Council on 48 hours written notice to the members. 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 for the purpose and at the time mentioned in the petition. 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*.

3.4 Location of Meetings

All meetings of Council shall be held in the Council Chambers or at any other place in the Town of Markham or in an adjacent municipality as authorized by the Mayor.

(Amended by By-law No. 2007-262)

3.5 Calling a Meeting to Order and Quorum

As soon as a Quorum is present, after the hour fixed for the holding of a Council meeting, the Mayor shall take the chair and call the meeting to order.

3.6 Absence of the Mayor

In the absence of the Mayor, the Deputy Mayor shall take the chair. In the absence of both of them, the Members present shall elect a Chair for the meeting.

3.7 Quorum

- 1) If a quorum is not present 30 minutes after the time appointed for a meeting, the Clerk shall record the names of the Members present and the meeting shall not commence or proceed. If all those Members who are present remain until a Quorum is present, then the meeting shall proceed.

3.8 Late Arrival

If a Member arrives late for a Council meeting, any prior discussion shall not be reviewed without the unanimous consent of all Members present.

3.9 Duties of the Chair

It shall be the duty of the Chair:

- a) to put to a vote all motions which are moved and seconded, or necessarily arise in the course of proceedings, and to announce the result of the vote;
- b) to decline to put to a vote motions which infringe the Rules of Procedure;
- c) to restrain the Members, within the Rules of Procedure, when engaged in debate;
- d) to enforce on all occasions, the observance of order and decorum among the Members;
- e) to call by name any Member persisting in a breach of the Rules of Procedure, thereby ordering the member to vacate the Council Chambers;
- f) to decide all questions of order at Council meetings, subject to an appeal by any Member on any questions of order in respect to business before the Council;
- g) to execute, by his/her signature when necessary, all By-laws and Resolutions passed at a meeting.

3.10 Conduct of Members

No Member shall:

- a) use offensive words or unparliamentary language in or against the Council or against any Member;
- b) speak on any subject other than the subject being debated;
- c) criticize any decision of Council except for the purpose of moving that the question be reconsidered;
- d) disobey the Rules of Procedure or a decision of the Chair of Council on questions of order or on the interpretation of the Rules of Procedure. Where a Member persists in any such disobedience after having been called to order by the Chair, the Chair shall forthwith put the question to Council for a vote, no amendment, adjournment or debate being allowed, "that such Member be ordered to leave his/her seat for the duration of the meeting of Council", but if the Member apologizes he/she may, be permitted to retake his/her seat.

3.11 Speaking Order

No member shall speak more than once on an item, except to give an explanation, until every Member who wishes to speak on that item has spoken.

3.12 Orders of the Day

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

Disclosure of Pecuniary Interest

Minutes

Presentations

Delegations

Petitions

Reports

Motions

Notice of Motions

(Amended by By-law No. 2004-46)

Communications

Proclamations

New/Other Business

(Amended by By-law 2008-46)

By-laws

In-Camera Items

(Amended by By-law No. 2007-11)

Adjournment

Other Business shall not be permitted after 11:00 p.m.

3.13 Delegations

- 1) Delegates shall be encouraged to appear before a Committee rather than before Council. Anyone wishing to appear before Council or Committee shall advise the Clerk by 4:30 p.m. on the Tuesday prior to the publication of the agenda. The request to appear before Council or Committee shall be in writing and shall state the nature of the matter to be presented.

- 2) No person other than the delegate may speak on the matter and for not more than a total of five (5) minutes except that a deputation consisting of more than five (5) persons who are present at the meeting may have more than one (1) speaker provided that the total speaking time does not exceed ten (10) minutes. A delegate not on the agenda and not appearing in respect to a matter on the agenda shall not be heard without the consent of at least two-thirds of the Members present.
- 3) The priority in which delegates shall be heard by Council or Committee shall be as follows:
 - a) Delegates listed on the agenda;
 - b) Delegates 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; and,
 - c) Delegates who appear at a meeting and who are not identified until such time as deputations are called for by the Chair.
- 4) Unless there is a staff presentation, all delegates appearing before Council and Committee shall be heard at the beginning of the regular 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 presentations relative to the item shall be made by the delegate or by any person other than a Member of Council. The matter may be referred to a future meeting if there is not an accompanying report.

(Amended by By-law 2008-46)
- 5) Delegates shall respond to questions from the Members of Council only through the Chair.

(Amended by By-law No. 2006-109)

3.14 **Decorum**

- 1) Attendees at a meeting shall maintain order and shall not display signs or placards, heckle or engage in telephone or other conversation or any behaviour that may be considered disruptive.

(Amended by By-law No. 2006-109)
- 2) All cell phones and electronic devices shall be turned off and/or set to silent mode during a meeting.

(Amended by By-law No. 2006-109)
- 3) The Chair may request security to expel or exclude from any meeting any person who disrupts the meeting.

(Amended by By-law No. 2006-109)
- 4) No person, except Members of Council and staff of the Town, shall be allowed to approach the dais where the members of Council are seated.

(Amended by By-law No. 2006-109)

- 5) Members of the public who wish to submit materials for Council must do so through the Clerk.

(Amended by By-law No. 2006-109)

3.15 **Motions**

- 1) Every motion shall be read aloud, and when duly moved and seconded, shall be open for discussion. A motion or amendments thereto, may not be withdrawn without the consent of the mover and seconder. The Chair may not move or second any motion, but **must** vote on a motion. (See Clause 3.22)

- 2) Where a motion to defer is moved, the Chair shall request that the motion not be seconded until the speaker's list has been exhausted.

(Amended by By-law No. 2004-46)

- 3) Where a motion to adjourn or a motion to defer has been duly moved and seconded, until such motion has been decided, there shall be no discussion on the subject matter.

(Amended by By-law No. 2004-46)

3.16 **Amendments to a Motion**

Only one motion to amend a motion of amendment shall be on the floor at any one time.

3.17 **Motions Containing Two or More Matters**

When the motion under consideration contains two or more matters, upon the request of any Member, each matter shall be voted on separately.

3.18 **Motion Under Debate**

When a question is under debate, no motion shall be received except for the following purposes and according to the following order, namely:

- a) to extend the hour of automatic adjournment.
- b) to recess.
- c) to adjourn.
- d) to defer to a definite date subject to Section 3.15(2).
- e) to defer indefinitely subject to Section 3.15(2).
- f) to amend the main motion.

(Amended by By-law No. 2004-46)

(Amended by By-law No. 2004-46)

3.19 **Adoption in a Single Motion**

One or more report items on Committee or Council agenda may be adopted in a single motion. At a Council meeting, any Member may request that an item be discussed separately and that item shall not be included in the motion to adopt.

3.20 Points of Order or Privileges

- 1) A member may interrupt 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. The ruling of the Chair shall be final unless a Member appeals the ruling to Council which shall then decide upon the question without debate.
- 2) A Member may rise at any time on a point of personal privilege where such Member feels that his/her integrity or the integrity of the Council has been impugned by another Member or delegate. Upon hearing such point, the ruling of the Chair shall be final unless the Member appeals the ruling to Council which shall then decide upon the question without debate.
- 3) Where the Chair recognizes that a breach of personal privilege has taken place, the Chair shall demand that the offending Member apologize, and failing such apology shall require such Member to vacate the Council Chamber for the duration of the meeting.
- 4) Any Member may appeal the decision of the Chair to the Council which shall decide the question "that the decision of the Chair be sustained" without debate upon a majority vote of the Members present.

3.21 Notice of Motion

Notices of Motion shall be in writing, signed by the mover and delivered to the Clerk prior to the meeting.

3.22 Voting on Motions

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. In the event a Member present abstains from voting, he/she will be deemed to have voted in the negative unless the Member's reason for abstaining is due to his/her disclosure of interest, or if he/she is precluded from voting under the provisions of subsection 3.10(d). When a Member abstains from voting in a disclosure of pecuniary interest situation, his/her abstention shall be deemed to be neither an affirmative nor a negative vote.

3.23 Recorded Vote

- 1) When a Member requests a recorded vote, all Members present at the meeting shall vote when called by the Clerk unless he/she has disclosed a pecuniary interest, or is precluded from voting under the provisions of subsection 3.10(d). 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.

- 2) Recorded votes 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."
(Amended by By-law No. 2004-326)

3.24 **Tie Votes**

Any motion of which there is a tie vote shall be deemed to be decided in the negative.
(The *Municipal Act* s.60)

3.25 **Reconsideration of a Matter**

A previously considered matter may not be reconsidered by Council until four of its regular meetings have been held after the meeting at which it was originally considered. Decisions which contractually bind the Town shall not be reconsidered.

3.26 **New/Other Business**

Items entered under the "New/Other Business" Section of Council Agenda shall not be substantive but rather information items.

(Amended by By-law 2008-46)

3.27 **By-laws**

All by-laws shall be given first, second and third readings in a single motion, unless a Member wishes to discuss the contents of a by-law, at which time the subject by-law shall be removed from the motion and dealt with separately.

Every by-law which is passed by Council shall be sealed with the seal of the corporation, signed by the Mayor or the Chair of the meeting at which the by-law was passed and by the Clerk and shall be deposited with the Clerk for custody.

If a majority vote is not achieved for a by-law on an item previously approved in the meeting, it shall be presented at the next subsequent regular meeting.

3.28 **Adjournment of Meetings**

It shall be the duty of the Chair to declare a meeting which is in session at 12:01 o'clock a.m. of the day following its commencement to be adjourned forthwith unless otherwise determined by a vote of two-thirds of the Members present.

4. **COMMITTEE MEETINGS**

4.1 **Standing Committees**

The Standing Committees of Council shall be as follows:

- 1) General Committee

Mayor and All Members of Council

- 2) Development Services Committee
Mayor and All Members of Council

(Amended by By-law No. 2004-336)

4.2 **Appointment of Standing Committee Chairs**

At the Inaugural meeting of Council each year in December:

- a) the Standing Committees of Council shall be established;
b) (i) there shall be a Chair and Vice-Chair appointed for the following issues being considered by the General Committee:-
- Finance & Administrative issues;
- Community Services;

(Amended by By-law No. 2007-11)

(Amended by By-law No. 2007-262)

- Environment & Sustainability

(Amended by By-law No. 2007-11)

- Land, Building and Parks Construction

(Amended by By-law 2008-46)

- (ii) there shall be a Chair and Vice Chair appointed for the following issues being considered by the Development Services Committee:
- Development Services Issues
- Economic Development Issues
- Transportation Issues

(Amended by By-law No. 2007-262)

- c) the members of other Committees and representatives of the Town on boards and organizations shall be elected by vote of the majority of the Members of Council.

4.3 **Appointment of Special Committees**

Special Committees may be appointed by the Council and shall report to Council on any matter referred to them by Council. The Mayor and Deputy Mayor are ex-officio members of all Town of Markham Committees.

(Amended by By-law 2008-46)

4.4 **Quorum**

A majority of the Members of a Committee shall be a Quorum.

4.5 *Deleted*

(Amended by By-law No. 2004-336)

4.6 **Hearings**

Hearings, which are subject to the Statutory Powers Procedures Act, shall follow Procedures set forth in the Statutory Powers Procedures Act.

4.7 Rules of Procedure for Committees

The Rules of Procedure for Committees shall be the same as for Council except where they may be changed by the committee. Any committee may appoint a sub-committee.

4.8 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 hereto as Schedule "B".
(Amended by By-law No. 2007-262)
- b) The Development Services Committee shall perform all those duties listed in the Terms of Reference attached hereto as Schedule "C".
(Amended by By-law No. 2007-262)

4.9 Deleted

(Amended by By-law No. 2004-336)

5. IN CAMERA MEETINGS

5.1 A meeting may be closed to the public only when the matter to be discussed relates to the following:

- a) the security of the property of the Town;
- b) personal matters about an identifiable individual, including Town employees;
- c) a proposed or pending acquisition of land for Town purposes;
- d) A proposed or pending sale of Town-owned land;
- e) labour relations or employee negotiations;
- f) litigation or potential litigation, including matters before administrative tribunals, affecting the Town;
- g) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- h) a matter in respect of which Council has authorized a meeting to be closed under another Act.
- i) The meeting is held for the purpose of educating or training the 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, Local Board or Committee.

(Amended by By-law No. 2007-262)

- 5.2 Any resulting recommendations made “in camera” shall be ratified at an open Council meeting.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
10TH DAY OF DECEMBER, 2002.

“Sheila Birrell”

TOWN CLERK

“Don Cousens”

MAYOR

**SCHEDULE "A" TO BY-LAW 2001-1
FORM OF MEETING NOTICES**

(Amended by By-law No. 2007-262)

(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:
 - A description of the purpose of the meeting, or the purpose and effect of the proposed by-law.
 - The date, time and location of the meeting.
 - Where the purpose of the meeting or proposed by-law is related to specific lands within the Town, 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 piece of Legislation, the municipality shall cause such notice to be given as prescribed.
3. Where notice is not prescribed, notice shall be published as follows:
 - a) On the Town of Markham website, and
 - b) On the agenda
 - c) All of the above
4. Where notice is not prescribed and for matters of Town-wide nature, notice shall also be published in the local newspaper, a minimum of one publication immediately prior to the proposed action being taken.
5. Nothing in this by-law shall prevent the Clerk from using more extended methods of notice.
6. Nothing in this by-law shall prevent the Clerk from using more comprehensive timeframes for providing notice.

(c) Emergency Issue Notice

1. If a matter arises, which, in the opinion of the administration 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 Town of Markham, or if so advised by a Provincial 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 2001-1
TERMS OF REFERENCE FOR
GENERAL COMMITTEE**

(Schedule amended in its entirety by By-law 2008-46)

Composition

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

Mandate

(a) **General**

The mandate of the General Committee of the Town of Markham shall be:

- to report and make recommendations to Council on matters relating to Town-owned land and buildings; and administrative matters relating to Town policies, by-laws and licenses and such other similar matters as referred to it by Council; 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.

(b) **Specific Duties**

Notwithstanding the generality of the foregoing, the specific duties of the General Committee of the Town of Markham shall include the following:

1. to monitor the Town's revenue and expenditures on an ongoing basis as each financial year progresses.
2. to report and make recommendations to Council on matters of policy pertaining to financial management.
3. to report and make recommendations to Council on matters of policy relating to the collection of taxes.
4. to report and make recommendations to Council on matters of policy respecting all facets of human resources, including health and safety, union/management relations and the various employee groups.
5. to report and make recommendations to Council on matters of policy on licensing, including enforcement issues.
6. to report and make recommendations to Council on matters of policy as they relate to Town property/buildings and parks, including construction, property maintenance, pedestrian walkways, snow removal and grass cutting on Town-owned property.
7. to report and make recommendations to Council on matters of policy involving purchasing and tendering, records management and the management and release of information.

8. to report and make recommendations to Council on matters of policy involving communications issues.
9. to report and make recommendations to Council on matters of policy involving general policies and procedures and administrative by-laws.
10. to assume the mandate and responsibility for the Court of Revision.
11. to assume the mandate and responsibility of the Audit Committee.
12. to report and make recommendations to Council on policy matters relating to recreation, parks, cultural affairs, multi-cultural matters, community organizations.
13. to report and make recommendations on special events/occasions.
14. to carry out such liaison as may be necessary from time to time with various community groups regarding specific problems or specific areas of interest or concern.
15. to report and make recommendations to Council on safety/emergency and accessibility matters.
16. to liaise with York Regional Police for the purpose of reducing crime.
17. to report and make recommendations to Council on matters of policy regarding waste management, including garbage collection and disposal.
18. to report and make recommendations to Council on matters of policy regarding existing water and sewer infrastructure.
19. to report and make recommendations to Council on matters of policy and programs regarding environmental management, including pesticide issues and conservation.
20. to 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.
21. to coordinate bi-annual Achievement and Civic Recognition Awards Ceremony.
22. to report and make recommendations to Council on matters relating to the Race Relations Committee, Mayor's Youth Task Force, Advisory Committee on Accessibility, Markham Conservation Committee, Markham Theatre Board, Markham Museum Board and the Varley Art Gallery Board.
23. to report and make recommendations to Council on matters of policy regarding existing roads, sidewalks and bicycle paths.

24. to report and make recommendations to Council on matters of policy regarding current roads operations, including winter maintenance.
25. to consider such similar matters as may be referred by Council or the Chief Administrative Officer 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 would dissolve upon completion of the task.

**SCHEDULE "C" TO BY-LAW 2001-1
TERMS OF REFERENCE FOR
DEVELOPMENT SERVICES COMMITTEE**

(Amended by By-law No. 2007-262)

Legislative Authority

- (a) The Development Services Committee of the Town of Markham 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, and
- to report and make recommendations to Council on matters relating to economic strategy; and administrative matters relating to Town policies, marketing and such other similar matters as referred to it by Council.
- 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:

1. to 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. to exercise the approval authority of 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. to report and make recommendations to Council on applications for subdivision and condominium approval pursuant to the *Planning Act* and *Condominium Act*, as applicable.
4. to report and make recommendations to Council on policy issues relating to economic development.
5. to 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. to 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. to advise Council as to those matters of a planning and development nature which, in the opinion of the Committee, warrant Council's particular consideration and direction.
8. to undertake studies and research 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. to 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. to 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. to report and make recommendations to Council on Design Achievement Awards for the Town of Markham.
12. to advise and assist Council in any matters arising from the work of the Committee of Adjustment in considering applications for consent and minor variance under the *Planning Act*, including possible Town participation at any Ontario Municipal Board Hearings to consider the appeal of Committee of Adjustment decisions.
13. to report and make recommendations to Council on matters of policy regarding building inspection, including building and foundation permits.
14. To periodically review and update the Town's Economic Development Strategy that positions Markham as the best place to work and locate high-tech and other leading

business in North America. The Town of Markham's economic development strategy is a 3-year program document that was most recently published in 2000/2001. Subsequently, the Town adopted a corporate strategy and community vision (Engage 21st Century Markham) that includes economic development goals and initiatives. It is therefore appropriate that the a new 3-year strategy be adopted that builds on the strengths of the existing program, and targets new opportunities and challenges that need to be addressed.

15. To recommend to Council an annual marketing plan, marketing activities, and a budget that would enable the Economic Development Strategy to be achieved. Each year, prior to the formal adoption of an annual budget by Council, the Development Services Development Committee receives and reviews marketing program proposals and recommendations from Town staff. As well, given the dynamic nature of economic development and its reliance on partnerships with external organizations, the Committee addresses new and ad hoc proposals and marketing initiatives on an on-going basis throughout the year.
16. To recommend to Council policy initiatives that will support and enhance the economic well-being and competitiveness of Markham. The Development Services Development Committee will act as a forum of informed opinion and strategic advice in support of policy initiatives that can help to strengthen the Town's economic well-being, and the prosperity of the community.
17. To monitor and evaluate the success and effectiveness of the Town's economic development program. On a regular basis (at least annually), the Development Services Committee will formally advise Council of the success and effectiveness of the Town's economic development program.
18. to report and make recommendations to Council on matters of policy relating to transportation, transit planning, rapid transit and other access issues;
19. to report and make recommendations to Council on improved transportation infrastructure and on the effective and efficient movement of people and goods;
20. to report and make recommendations to Council on matters of policy regarding existing roads, sidewalks and bicycle paths.
21. to consider such 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 would dissolve upon completion of the task.

Appendix ‘B’ – Summary of Municipal Research

1. DELEGATION & DEPUTATION PROCEDURES

Municipality	Council vs. Committee	Public Speaking Limit	Definition of “Group”	Public Decorum
Aurora	Encourages deputants to appear at Committee first – max 3 deputations per meeting	5 min	N/A	No delegate shall: (a) Speak disrespectfully of any person; (b) Use offensive words or unparliamentary language; (c) Speak on any subject other than the subject for which he or she has received approval to address Council or Committee; or (d) Disobey the rules of procedure or a decision of the Chair or Council.

Appendix 'B' – Summary of Municipal Research

1. DELEGATION & DEPUTATION PROCEDURES

Municipality	Council vs. Committee	Public Speaking Limit	Definition of "Group"	Public Decorum
Barrie	<p>A deputation shall only be permitted in Council in opposition to a Standing Committee recommendation. A person may only speak once in opposition to a motion.</p> <p>Reference Committee (not Standing Committee).</p> <p>Max 4 delegations per meeting - can only appear once every 3 months.</p> <p>Delegations during closed meetings permitted.</p>	<p>10 minutes + 10 minutes extension may be given.</p> <p>5 min at Reference Committee</p>	N/A	<p>A person addressing a Reference Committee shall not utilize profane or offensive words or insulting expressions and shall not impugn the reputation of any individual or member.</p>
Brampton	<p>Directs deputants to appear at Committee first unless Council rules otherwise</p>	5 min	N/A	<p>No delegation shall:</p> <ul style="list-style-type: none"> (a) speak disrespectfully of any person; (b) use offensive words or unparliamentary language; (c) speak on any subject other than the subject for which he received approval to address; or (d) disobey the rules of order or a decision of the chair.

Appendix ‘B’ – Summary of Municipal Research

1. DELEGATION & DEPUTATION PROCEDURES

Municipality	Council vs. Committee	Public Speaking Limit	Definition of “Group”	Public Decorum
Burlington	Encourages deputants to appear at Committee first	Committee - 10 min (Members can extend or shorten) Chair may extend. Council – 5 minutes	Any person, group of persons or organization not being a member of the Council or Committee or an appointed official of the City of Burlington	Attendees at a meeting shall maintain order and quiet and shall not display signs or placards, applaud, heckle, or engage in telephone or other conversation, or any behaviour that may be considered disruptive, inconsiderate, disrespectful, or intimidating to others. i) speak disrespectfully of any person. ii) use offensive words or unparliamentary language. iii) speak on any subject other than the subject for which they have received approval to address Committee/Council. iv) disobey the rules of procedure or a decision of the Chair of Committee or Council.

Appendix ‘B’ – Summary of Municipal Research

1. DELEGATION & DEPUTATION PROCEDURES

Municipality	Council vs. Committee	Public Speaking Limit	Definition of “Group”	Public Decorum
London	Not permitted at Council unless otherwise required by law. Standing Committee only.	5 min	N/A	Proper decorum at all times, in order to ensure a safe and respectful meeting environment. all electronic devices are set to silent mode. Can be removed immediately if a safety threat
Mississauga	May appear at Committee or Council. Cannot appear at Council <i>if</i> appeared at Committee.	5 minutes (extended with majority of Council vote) 10 at Committee	N/A	

Appendix 'B' – Summary of Municipal Research

1. DELEGATION & DEPUTATION PROCEDURES

Municipality	Council vs. Committee	Public Speaking Limit	Definition of “Group”	Public Decorum
Oakville	Can appear at both, but restricted to providing only new information at Council	Individual – 10 minutes Group – 20 minutes with majority vote	Group must be registered with Town	Attendees at a meeting shall maintain order and quiet and shall not display signs or placards, applaud, heckle, or engage in telephone or other conversation, or any behaviour which may be considered disruptive. NO person, except Members and employees of the Corporation, shall be allowed to come within the enclosure formed by the railing between the Members’ chairs and the public seating during a meeting without the permission of the Chair. They publish this info on their agenda
Oshawa	Permitted to appear before both. If deputant did not appear at Committee 2/3 vote required at Council	5 minute with a onetime 2 minute extension (2/3 Council approval required)		
Ottawa	Committee only	5 minute max	none	

Appendix 'B' – Summary of Municipal Research

1. DELEGATION & DEPUTATION PROCEDURES

Municipality	Council vs. Committee	Public Speaking Limit	Definition of "Group"	Public Decorum
Richmond Hill	Permitted at Council if didn't appear at Committee. Or if appeared at Committee & providing new information, based on Clerk's opinion	5 min, council majority to extend	none	Speak once and not speak disrespectfully about anyone or use offensive language, and shall respect any ruling made by the Chair.
Thunder Bay	Committee only. Clerk is able to deny deputation requests for a number of reasons Deputations received after the cut off, are listed under "new business deputations"	10 minutes	none	No offensive language, no debating with Members of Council. Council can prohibit anyone from making Deputations for a period of time.
Toronto	Not permitted at Council unless otherwise required by law. Standing Committee only.	5 min	No definition – but Committee may hear together all public presentations from one person or from one group on all matters that person or group intends to present on; OR hear public presentations from only one person representing a group or one side of an issue	(1) Not speak disrespectfully about anyone; (2) Not use offensive language; (3) Speak only about the subject on which the committee invited them to make a public presentation; and (4) Obey the procedures by-law and any Chair's ruling.

Appendix 'B' – Summary of Municipal Research

1. DELEGATION & DEPUTATION PROCEDURES

Municipality	Council vs. Committee	Public Speaking Limit	Definition of "Group"	Public Decorum
Vaughan	<p>Directs deputants to appear at Committee. Not permitted at Council unless Statutory Hearing.</p> <p>Cannot speak to more than one item</p>	<p>5 min</p> <p>10 min for presentations</p>	none	<p>No one may display signs or placards, applaud debating participants, intimidate anyone in attendance, or engage in conversation or other behaviour that disrupts a meeting.</p>
Waterloo	<p>Encourages deputants to appear at Committee first</p>	<p>If registered before 10am on meeting day – 10 min</p> <p>If registered after 10am on meeting day – 5 min</p>	none	<p>i) address Council without the permission of the Council;</p> <p>ii) interrupt any speech or action of the members of Council or any other person addressing Council;</p> <p>iii) display or have in their possession picket signs or placards in the Council Chambers or meeting rooms or within any municipally-owned building used for such purposes.</p> <p>Must turn off devices or put on silent. Cannot engage in private/disruptive conversation</p>

Appendix 'B' – Summary of Municipal Research

1. DELEGATION & DEPUTATION PROCEDURES

Municipality	Council vs. Committee	Public Speaking Limit	Definition of "Group"	Public Decorum
Whitby	Encouraged to speak at Committee first, then council. If they didn't speak at Committee, 2/3 approval required to speak at council.	10 min for individual or group	Representing 3 people	No person shall make detrimental comments, or speak ill of, or malign the integrity of staff, the public or Council and Committee.
York Region	Both – encouraged to go to Committee. If they went to Committee and coming to Council – they are not listed on council agenda	Individual – 5 min Group – 5 min (unless Council allows extension)	none	No permitted to speak disrespectfully of any person;

2. NEW BUSINESS

Municipality	New Business
Aurora	This section shall contain items which a Member may introduce which were not circulated with the agenda and which, due to their nature cannot be properly presented at a subsequent Meeting of Council or appropriate Committee. Members may raise questions regarding matters that may be appropriate for Staff comment in the form of immediate response or subsequent follow-up. Any New Business/General Information consideration that results in a direction to Staff shall require a Notice of Motion by a Member of Council.
Barrie	Heard at Advisory/Reference Committee level
Brampton	
Burlington	To clarify, a defeated motion can be re-visited at the same meeting through a motion to reconsider and a defeated motion can be revisited at a subsequent meeting by being re-introduced as new business.
London	
Mississauga	
Oakville	New business shall not be considered by Council unless it is of an emergency, congratulatory, condolence nature. Mayor and Clerk must receive in writing prior to item being introduced.
Oshawa	
Ottawa	
Richmond Hill	Must provide in writing 2 weeks in advance; OR if it is time sensitive or an emergency they can provide at the meeting with majority of Council's consent
Thunder Bay	(a) The Clerk shall review and approve, in consultation with the Chair, all requests for presentation of New Business on a Meeting agenda. (b) No item of New Business may be dealt with by a Committee without the consent of a majority of the Members present. (c) All items of New Business shall be written and copied to all Members of the Committee prior to Debate, unless urgent matters arise during a Meeting.
Toronto	Statutory duties or urgent, any new business must explain why it's urgent and clearly articulate why it's urgent.
Vaughan	Matters that may be introduced as "New Business" include matters of a general nature and requests for staff to attend public and/or neighbourhood meetings held after normal working hours. Requests for staff reports for matters raised under "New Business" shall be put over to a future Committee Meeting, allowing adequate time for the preparation and consideration of these reports.
Waterloo	Any items pulled from consent are discussed under new business.
Whitby	Urgent matters that cannot go to Committee first can go to Council.
York Region	

3. RECONSIDERATION

Municipality	Reconsideration
Aurora	6 months - However, notwithstanding the foregoing, any matter that was determined in the negative as a result of a tie vote due to an absent Member of Council may be reconsidered at the next Council meeting via a motion, which has been seconded, to reconsider the matter and it is carried by a simple majority vote of the Members present.
Barrie	6 months
Brampton	No set time - No motion to reopen the question shall be considered again if there has been a previous motion to reopen the question which was not approved by a two-thirds (2/3) majority vote, within the current term of the Council.
Burlington	No set time - No motion shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered, during the term of the Council. a) is debatable. Note that a motion that was adopted can only be reconsidered if it is possible to reverse or modify the action that was authorized by the motion. b) is not amendable. c) requires a majority vote approved by at least two-thirds of the members present, regardless of the vote necessary to adopt the motion being reconsidered.
London	Same meeting - A motion to reconsider a decided matter at the same Committee of the Whole or standing committee or Council meeting at which the original motion was decided must be made by a member who voted with the majority on the original motion. No motion to reconsider a decided matter of Council shall be made more than once in the twelve month period from the date the matter was decided, unless a regular election has occurred following the decision.
Mississauga	1 year
Oakville	
Oshawa	Same meeting and cannot be reconsidered twice in 1 year.
Ottawa	Only at Council – not Committee.
Richmond Hill	6 months - Any Resolution passed or by-law passed by a previous Council in a previous term may be reconsidered by Council at any time after that term has ended, without the need for a Resolution to reconsider.
Thunder Bay	New info will create fresh discussion. Once/council term. Brought up through a notice of motion & placed on next regular or special Council meeting.
Toronto	1 year
Vaughan	4 regular meetings
Waterloo	Not explicit
Whitby	New information 3 months
York Region	1 year

4. GENERAL FEEDBACK

Municipality	Duties of Chair	Duties of Council Member	Council Members Use of Electronic Devices	Meeting Schedule/Frequency	Notice of Motion	Other
Aurora	Maintain order and preserve the decorum of the Meeting;	<p>Shall not speak disrespectfully of any member of the Royal Family, the Governor General, the Lieutenant Governor of any Province, Council, any municipality, any Member or any official or employee of the Town</p> <p>Shall not speak on any subject other than the subject under debate</p>	No Member Shall: Engage in private conversation while in the Council Meeting or use electronic devices including cellular phones, personal digital assistants, media players, and pagers in any manner that disrupts the Member speaking or interrupts the business of Council		The Motions for Which Notice Has Been Given shall be included on the next Council agenda for consideration and disposition	<p>Council shall review this By-law within the first six (6) months of the second year of each term of Council.</p> <p>Council shall review the Council Code of Ethics within the first six (6) months of the first year of each term of Council</p>

4. GENERAL FEEDBACK

Municipality	Duties of Chair	Duties of Council Member	Council Members Use of Electronic Devices	Meeting Schedule/Frequency	Notice of Motion	Other
Barrie		No member shall speak more than once to a motion or to the same question or in reply for longer than five minutes. With the leave of Council, successive extensions of five minutes may be granted.		<p>No meeting of Council, Standing Committee, Reference Committee or Advisory Committee shall continue past 11:00 p.m. unless one additional hour is approved by a majority of its members.</p> <p>Regular meetings of Council shall be held on alternating Mondays at 7:00 p.m. except during July, when Monday is a holiday, or when otherwise specified by resolution of the Council.</p>		<p>Max 3 presentations/ Council meeting & max 10 meeting in length.</p> <p>Clerk is responsible for maintaining Abeyance List</p>

4. GENERAL FEEDBACK

Municipality	Duties of Chair	Duties of Council Member	Council Members Use of Electronic Devices	Meeting Schedule/Frequency	Notice of Motion	Other
Brampton		<p>(1) A member may initially speak on an item of business or motion for five (5) minutes.</p> <p>(2) No member shall speak more than once on an item of business until every member who desires to speak has spoken.</p> <p>(3) Any member, including the mover of the motion, wishing to speak on an item of business a second time may do so for a further five (5) minutes.</p>		<p>Council - two regular meetings each month second and fourth Wednesday. At 12:00 p.m. with closed session business, as required, followed by public session commencing at 1:00 p.m.</p> <p>Standing Committees - first and third each month. At 9:30 a.m. and end no later than 3:30 p.m. don't meet in summer</p> <p>a meeting shall not carry on past 11:55 p.m. (unless a motion to extend)</p>		<p>Once in a closed session, no item may be added to the agenda for that closed session.</p> <p>Any request from a person for an investigation, under the Municipal Act, of whether a Council or Committee meeting or part of a meeting, that was closed to the public, has complied with the relevant provisions of the Municipal Act or this procedure by-law, shall be referred by the Clerk to the Investigator appointed by Council for that purpose.</p> <p>The presence or absence of the</p>

4. GENERAL FEEDBACK

Municipality	Duties of Chair	Duties of Council Member	Council Members Use of Electronic Devices	Meeting Schedule/Frequency	Notice of Motion	Other
Burlington	The Chair shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meetings, subject to an appeal by any Member to the Committee or Council of any ruling of the Chair.			Outlines duties, membership and frequency of each Standing Committee. Council = Monday at 7pm Emergency meetings may be in Oakville, Hamilton or Milton.	Allowed at Council & Committee. Staff reports in the Council agenda, listed as Reports of Municipal Officers, not having been considered by any Committee for adoption by Council, shall constitute notice of motion for the purposes of any relevant motion brought at Council.	Council gets an information package circulated – posted online too

4. GENERAL FEEDBACK

Municipality	Duties of Chair	Duties of Council Member	Council Members Use of Electronic Devices	Meeting Schedule/Frequency	Notice of Motion	Other
London		5 minute speaking limit. Should not be disruptive, use profane or offensive words or insulting expressions.		Must end before 11 pm		
Mississauga		5 min initial limit; chair can allow additional 5 min once all have spoken.		9 am Council or when the Clerk determines best, every 3 weeks Must end before 11pm	Must provide by 4:30 Wed. Before mtg. After 2 successive agendas, motion is deemed withdrawn unless Council decides otherwise. Not allowed at Committee.	Staff delegation of authority during summer months

4. GENERAL FEEDBACK

Municipality	Duties of Chair	Duties of Council Member	Council Members Use of Electronic Devices	Meeting Schedule/Frequency	Notice of Motion	Other
Oakville		5 min initial limit unless Council can allow additional time. once all have spoken 5 minutes more		Must end by 11pm - 11:30pm hard stop	List under new business if rec'd by 12 pm Wed one week prior to, otherwise given orally at the meeting	If member asked to leave and doesn't, or doesn't apologize, Chair asks Clerk to call police
Oshawa		Cannot speak for more than 5 minutes, extension granted by Council. Members not allowed to engage in debate with delegates		Mondays 3:30 pm (every 3 weeks)	Required in writing.	Announcements at Council meetings shall be limited to two minutes per Council Member. Dedicated dinner hr at 5:30

4. GENERAL FEEDBACK

Municipality	Duties of Chair	Duties of Council Member	Council Members Use of Electronic Devices	Meeting Schedule/Frequency	Notice of Motion	Other
Ottawa	to enforce on all occasions, the observance of order and decorum among the members;	(a) To deliberate on the business submitted to Council; (b) To vote when a motion is put to a vote; and (c) To respect the Rules of Procedure.	the use of cellular phones, audible pagers or any other similar communication device is only permitted in the press gallery section	Council shall be held at 10:00 a.m. on the second and fourth Wednesday. Must adjourn by 7 pm and automatically starts at 10 am on the Friday of the same week.	Written & considered at next regular meeting	All reports intended to be considered in a closed meeting shall indicate either the reporting out date being a date the report can be made public or a legal opinion indicating why the report cannot be made public: Upon resuming public session - Confirmation that no motions were carried <i>in camera</i> . Notice of a report from the Integrity Commissioner or the Election Compliance Audit Committee shall be given at the meeting of Council prior to the meeting

4. GENERAL FEEDBACK

Municipality	Duties of Chair	Duties of Council Member	Council Members Use of Electronic Devices	Meeting Schedule/Frequency	Notice of Motion	Other
Richmond Hill		<p>May speak twice on a motion – for 5 minutes each time. 3 minutes on an amendment to a motion.</p> <p>Adhere to all Town policies governing the conduct of Members.</p>	Audio and video recording devices are prohibited during in-camera.	Wednesdays at 7:30 (every 2 weeks)	Not specified - 2 weeks written notice must be provided to the Clerk for inclusion on an agenda	

4. GENERAL FEEDBACK

Municipality	Duties of Chair	Duties of Council Member	Council Members Use of Electronic Devices	Meeting Schedule/Frequency	Notice of Motion	Other
Thunder Bay	The Chair may not participate in the Debate on any Motion until all other Members have had at least one opportunity to speak.	Speaking limit is broken down into Committee of the Whole, presentations, etc. No time limit at Committee – but can only ask 3 questions at Council – 10 min, 3 questions, 5 min extension with Council approval & one round of speaking	Shall not: Operate any handheld communication device during a closed Meeting of a Committee, and not use handheld devices for voice communications during a Meeting of a Committee;	Mondays at 6:30pm	Can only be withdrawn with Council’s consent	
Toronto	Questions and answers cannot exceed 5 minutes	Questions to the Mayor may not exceed 5 minutes	Nothing explicit		Must provide by 4:30 pm on the day of the agenda deadline	

4. GENERAL FEEDBACK

Municipality	Duties of Chair	Duties of Council Member	Council Members Use of Electronic Devices	Meeting Schedule/Frequency	Notice of Motion	Other
Vaughan		<p>Shall not: Use offensive words or un-parliamentary language in or against the Council or against any Member;</p> <p>A Member may speak to the same question for a maximum of five minutes, and, with leave of the Members, may be granted a five minute extension. Can only speak once.</p>	Silent mode	<p>(1) Meetings scheduled to commence at either 11:00 am or 1:00 pm and which are in session at 6:01 pm will be adjourned unless otherwise determined by a vote of two thirds of the Members.</p> <p>(2) Meetings which are scheduled to commence at 7:00 p.m. and which are in session at 12:01 a.m. the following day will be adjourned unless otherwise determined by a vote of two thirds of the Members present.</p>	may not be withdrawn without the consent of the mover and seconder.	Recordings are kept for 90 days by the Clerk

4. GENERAL FEEDBACK

Municipality	Duties of Chair	Duties of Council Member	Council Members Use of Electronic Devices	Meeting Schedule/Frequency	Notice of Motion	Other
Waterloo		5 min speaking limit	Turn off, or silent mode. Do not disturb the meeting.		Added to next regular agenda & If not moved at the meeting for which it is scheduled, by the person who gave notice, it shall be deemed to be withdrawn unless an alternative time for the motion to be debated is given.	Public are only allowed to record with Council or Chair's permission
Whitby		Speak once and for 5 minutes			Anyone can second if seconder is not there.	No person shall make detrimental comments, or speak ill of, or malign the integrity of staff, the public or Council and Committee.

4. GENERAL FEEDBACK

Municipality	Duties of Chair	Duties of Council Member	Council Members Use of Electronic Devices	Meeting Schedule/Frequency	Notice of Motion	Other
York Region		<p>the number of times of speaking shall not be limited unless a Member moves to call the question;</p> <p>(d) no Member shall speak more than once until every Member who desires to speak has spoken;</p>	May use – but not be disruptive		After a motion is moved at the Council meeting it shall be deemed to be in the possession of Council and may not be withdrawn without the consent of the mover and seconder and a majority vote.	

Appendix 'C'

Summary of Councillor Feedback – Procedural By-law Review

Delegation and Deputation Procedures

- Deputations at Committee or sub-committee level
- Chair should enforce the time limit or leave it at the discretion of the Chair
- Public should be encouraged to submit a written response if possible
- Provide a summary of deputations for Council
- Should not be able to speak at both Committee and Council
- Deal with all deputations first, then have staff presentations and *then* deal with matters on the agenda
- If the current practice will remain, people should not be allowed to speak at Council *and* Committee – must choose one.

Public Code of Conduct

- Meeting decorum needs to be enforced (from public and Members of Council)
- Visitor code of conduct could be displayed at the entrance, on the screens, at the bottom of the deputation form
- Public should refrain from harassing other members of the public
- Security should be present during all Council meetings – and they should actively be removing disruptive individuals
- Chair should introduce the meeting with a statement about decorum that is expected of Council members and of the public

Time Limit

- Count down clock at each podium
- 3 minutes for an individual
- 7 minutes for a group
- Microphone should beep at 30 seconds and automatically shut off when time is up
- Increase the time for public to speak at Committee (5-7 for individuals and 10-15 for groups); Council time limit should remain the same

Definition of a group

- Greater definition:
 - o registered ratepayers association; or
 - o need proof that it's an actual group (i.e. minutes from their meetings, etc); or
 - o community group
- If the group is registered, members do not need to be present
 - o These groups should be posted online or on the forms
- If the group is *not* registered with the City, members need to be present in the audience

New Business

- Define what “substantive” means, or remove it entirely
- Consider it at the beginning of the meeting
- Greater flexibility should be permitted during Committee, but not at Council
- New business could be dealt with at the beginning of the meeting
- Council Members need to know how to get an item added to an agenda other than new business (i.e. get an item on staff’s upcoming list of reports to GC and DSC)
- Categorize New Business (information, question, referred to staff & exception to the rule)
- No major/substantive items should be introduced after midnight

Reconsideration

- Set of questions as to why a matter should be reconsidered
- What can legally be reconsidered
- 12 regular meetings of Council
- 6 regular meetings of Council
- Clarify what reconsideration means

Council Members’ use of electronic devices

- Should be discouraged in general or allowed but encouraged not to be disrespectful
- Council members may use this as a tool to engage with residents or to look up certain things
- Council Members should be aware not to ask questions because their constituents have emailed asking for clarification or seeking advice on a matter
- Have a “blackberry” break, if devices are going to be banned

Duties of the Chair

- Should meet with staff prior to meetings to obtain information on how best to answer questions, etc
- Should be the last person who speaks to an item on the agenda

Staff Resources at Meetings

- Can an Assistant City Solicitor attend Committee meetings instead of the Solicitor?

Notice of Motion

- Tighten rules on when items will be brought back. The mover should advise the time frame and if cannot make that time, withdraw and bring it back when ready.



BY-LAW 2016-XX

A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND COMMITTEES OF COUNCIL

INDEX

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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,

Whereas the Council of The Corporation of the City of Markham enacted By-law 2001-1 on December 5, 2000; 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 By-law provides to the contrary, the rules expressed for or provisions for 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 provision 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** 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.

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 related to an event of interest to the general public or an offer of congratulations or condolence, and shall not be debatable or made by a **Delegate**;

“**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**, as amended from time to time and, “In Camera” and “Closed” **Meeting** have the same meaning;

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

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

“**Deputy Mayor**” means the Regional Councillor who received the highest number of votes in the last election to that office on the **Council** of the Region of York or the **Member** of **Council** who is appointed by **Council** to act from time to time in the place of the **Mayor** when the **Mayor** is absent;

“**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**;

“**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” means an item not listed on an **Agenda** that is urgent due to a statutory time requirement, pertains to an emergency, or is time sensitive;

“Newspaper” means a printed publication or publications in sheet form, 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 including, but not limited to the Markham Economist and Sun and the Thornhill Liberal;

“Pecuniary Interest” means relating to or consisting of money pursuant to the applicable conflict of interest legislation;

“Pending Motion” means that a **Motion** has been stated by the **Chair** and is on the floor of the **Meeting** 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 to include 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 and 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 purposes.

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 subdivisions on the **Agenda**, being considered by the General **Committee**:
 - Finance and Administrative;
 - Community Services;
 - Environment and Sustainability; and,
 - Land, Building and Parks Construction.
 - ii. There shall be a **Chair** and **Vice-Chair** appointed for the following subdivisions on the **Agenda**, being considered by the Development Services **Committee**:
 - Development Services;
 - Culture and Economic Development; and,
 - Transportation and Engineering Capital Projects.

3.3 Appointment of Special Committees

- (a) Special **Committees** may be established by the **Council** by vote and then shall report to **Council** on any matter **Referred** to them 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 shall be held on the first Tuesday in December or such other date and at the time 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 annually 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

- (a) The **Mayor** may, at any time, call a special **Meeting** of **Council** on 48 hours written notice to the **Members**. 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**.
- (b) Despite this section, 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.
- (c) Despite this section, 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 to consider and deal with such urgent and extraordinary matters.

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 **City** or municipality, as authorized by the **Mayor**.

4.6 Calling a Meeting to Order and Quorum

The quorum required to establish a legal **Meeting** of **Council** or a **Committee** is a majority of the **Members** present.

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 the two-thirds consent of all **Members** present.

4.8 Absence of the Mayor

In the absence of the **Mayor**, 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, a minimum of one hour prior to each regular **Meeting**, the **Clerk** shall prepare a **Revised Agenda** of all the business to be brought before such **Meeting**.

4.10 Revised Agenda

Requests for items to be added to a **Revised Agenda** shall have met 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

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

Delegations

Communications

Proclamations

Petitions (at **Standing Committee** only)

Reports

Motions

Notices of Motions (at **Standing Committee** only, except in the case of **Reconsideration**)

New/Other Business

Announcements

By-laws

Confidential Items

Confirmatory By-law

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 **Delegates** 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** 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 adoption.
- (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 through audio and video streaming on the website.
- (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 Delegations

- (a) No persons shall appear before **Council** as a **Delegate**, except where required by legislation, or where there is a special recognition which has been approved by the **Chair**. In lieu of an in-person delegation, an individual may address **Council** by submitting their written comments to the **Clerk**, by the prescribed deadline, for inclusion under the Communications section of the **Agenda**.
- (b) Any person desiring to be heard by a **Committee** shall register as a **Delegate** by completing and submitting the prescribed form to the **Clerk** prior to the start of the **Meeting**. The prescribed form must be completed by the individual requesting to be a **Delegate**. **Delegates** who register prior to the publication of the **Agenda** will be listed under the Delegations section of the **Agenda**.
- (c) **Delegates** who cannot appear before **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 **Delegate**, in accordance with 4.15 (b), may speak to a matter listed on an **Agenda**.
- (e) A Delegation on behalf of an organization, corporation, association, or group shall be made by one person.

- (f) **Delegates** shall be restricted to a speaking limit of five minutes, regardless of whether they are representing an organization, corporation, association, or group. A **Delegate** shall confine their remarks to the item on the **Agenda**.
- (g) A **Delegate** wishing to appear on a matter not listed on the **Agenda** shall require the consent of two-thirds of the **Members** present.
- (h) Neither a **Delegate** nor a **Member** shall read another individual's written submission/comments.
- (i) **Delegates** 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. All requests for financial assistance must be submitted in writing, to the **Treasurer** and will be administered within the context of existing policies and procedures; or,
 - ii. Lobby **Members** for the purpose of soliciting business. Any such **Delegates** shall be directed to submit a request through the **City's** existing procurement procedures.
- (j) **Delegates** shall refrain from making statements or comments that are, in the opinion of the **Chair**, **Frivolous** or **Vexatious** in nature.
- (k) The priority in which **Delegates** shall be heard by **Committee** shall be as follows:
 - i. **Delegates** listed on the **Agenda**;
 - ii. **Delegates** 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. **Delegates** who appear at a **Meeting** and who are not identified until such time as Delegations are called for by the **Chair**; and,
 - iv. **Delegates** wishing to appear on a matter not listed on the **Agenda**, provided that the consent of two-thirds of the **Members** present is obtained.
- (l) Unless there is a staff presentation, all **Delegates** 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 **Delegate** or by any person other than a **Member** or staff.

- (m) **Delegates** shall respond to questions from **Members** only through the **Chair**.
- (n) After a **Delegate** has completed their submission, **Members** shall each have the opportunity to ask questions of the **Delegate** 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 **Delegate** shall take their seat in the public seating area before any debate between the **Members** on the subject of the delegation begins. A **Delegate** shall not engage in debate with **Committee**.
- (o) The **Chair** may curtail any delegation, any questions of a **Delegate** or debate during a delegation, for disorder, lack of decorum or for any other breach of this By-law and, should the **Chair** rule that the delegation is concluded, the **Delegate** shall take their seat in the public seating area immediately.

4.16 Business

- (a) Items **Referred** from a **Standing Committee** may be listed under the **New/Other Business** section of a **Council Agenda**.
- (b) **Members** may introduce items under the “**New/Other Business**” section of an **Agenda** and it shall be information that is pertinent based on:
 - i. Urgent due to a statutory time requirement;
 - ii. An emergency; or,
 - iii. Time sensitivity.

4.17 Announcements

A **Member** shall be permitted to make one **Announcement** per **Council** or **Standing Committee Meeting** and the **Announcement** shall not be debatable and the duration of the **Member’s Announcement** 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 an item previously approved in the **Meeting**, it 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) 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**.
- (b) When a **Motion** to **Postpone** or Close Debate and Vote Immediately is moved the **Chair** will not state or process these **Motions** until the speakers list is exhausted.

5.2 Motions Containing Two or More Clauses

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

5.3 Adoption in a Single Motion

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** no later than 4:30 p.m. the day before the **Meeting**; and,

- 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** may only be permitted at **Council** if the notice is to reconsider a matter.
- (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** after notice has been given, and not debated, it shall be automatically removed from further **Agendas**, unless **Standing Committee** decides otherwise.

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 the **Member's** reason for abstaining is due to his/her disclosure of a **Pecuniary Interest**.
- (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 **Meetings** have passed since the matter was originally considered.
- (d) A **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.
- (f) A **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 **Motion** to reconsider may, itself, be the subject of a **Motion** to reconsider.

5.9 Procedure Concerning Specific Motions

(a) Amendments

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

A **Motion** to amend:

- i. Can be made by a **Member**, but shall not interrupt another person to move this **Motion**.
- 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. Can be made by a **Member**, but not in a manner that interrupts another person to move this **Motion**.
- 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

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. Can be made by a **Member**, but not in a manner that interrupts another person to move this **Motion**.
- 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. Require 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) Lay on the Table or Postpone Temporarily

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 Table cannot explain to the Chair's satisfaction that there is an urgent matter requiring the current business to be set aside.

A **Motion** to Lay on the Table or Postpone Temporarily:

- i. Can be made by a **Member**, but shall not interrupt another person to move this **Motion**.
- ii. Requires a seconder.
- iii. Is not debatable.
- iv. Is not amendable.
- v. Requires a majority vote to adopt the **Motion**.
- vi. Once adopted, can be taken from the table at the current **Meeting** or at the next **Meeting**. If not taken from the table by the end of the next **Meeting** it will require the regular process to get on an **Agenda**.

(e) Limit or Extend Debate

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

A **Motion** to limit or extend debate:

- i. Can be made by a **Member**, but not in a manner that interrupts another person to move this **Motion**.
- 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. Can be made by a **Member**, but not in a manner that interrupts another person to move this **Motion**.

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** to close their speech when that **Member** speaks to the subject of a **Motion**.

viii. May 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. Can be made by a **Member**, but shall not interrupt another person to move this **Motion**.

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. Can be made by a **Member**, but shall not interrupt another person to move this **Motion**.
- ii. Requires a seconder.
- iii. Is not debatable, except when no other **Motion** is on the floor.
- 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. Can be made by a **Member** and may interrupt another **Member** who has the floor; "I request permission to withdraw the **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.
- vi. 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**.
- vii. 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

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**, as amended from time to time, 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) The **Meeting** is held for the purpose of educating or training the **Members** and no **Member** discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of **Council**, Local Board or **Committee**.

6.2 A **Meeting** or part of a **Meeting** shall be closed to the public 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**, an Ombudsman 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**, as amended from time to time.

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 **Council** shall require a **Resolution** for persons to remain who are not **Members** or **City** staff that are required to attend a **Meeting** or part of a **Meeting** that is closed to the public.

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

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

- (a) The **Members** shall immediately reconvene in open session;
- (b) The **Mayor** shall report any outcomes on the **Confidential Meeting** as necessary; and,
- (c) If applicable, the **Members** shall vote 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 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 health break by announcing a minimum ten minute recess after two hours has 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

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 **Delegates** 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 the question be reconsidered or rescinded.
- (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, from an email, text message, social media post, paper, **Newspaper** or any other form of communicating information without the majority consent of **Members** present at a **Meeting**.

7.3 **Members** shall ensure that their communication devices are turned off and/or set to silent mode during a **Meeting**. **Members** shall not answer phones in a **Meeting** room.

7.4 Speaking Order and Limit

(a) At **Standing Committee**:

i. There is no speaking limit for a **Member** who is speaking on an item for the first time.

ii. Any **Member**, including the mover of the **Motion**, wishing to speak on the same item a second time may do so for a maximum of five additional minutes, unless otherwise decided by a majority vote of the **Members** present.

(b) At **Council**:

i. Each **Member** is permitted to speak on an item for a maximum of ten minutes for the first time; and,

ii. Any **Member**, including the mover of the **Motion**, wishing to speak on the same item a second time may do so for a maximum of five additional minutes, unless otherwise decided by a majority vote of the **Members** present.

(c) When a **Member** is speaking to a **Motion**, he/she shall confine his/her remarks to the **Motion**.

7.5 Points of Order or Privilege

(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**. The ruling of the **Chair** shall be final unless a **Member** and a seconder appeals the ruling to **Council**, 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 is required.

(b) A **Member** may interrupt at any time on a point of privilege when such **Member** feels that his/her integrity or the integrity of the **Council** has been impugned by any individual. Upon hearing such point, the ruling of the **Chair** shall be final unless the **Member** appeals the ruling to **Council**, which shall then decide upon the question without debate.

(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**, the **Chair** shall demand that the offending **Member** or **Delegate** apologize, and absent of

such apology, shall request such **Member** or **Delegate** to leave the **Meeting** room for the duration of the **Meeting**.

7.6 Public Decorum

The public is welcome to attend all **Council** and **Committee Meetings** held in open session. 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 **Delegate** or staff, applaud participants in debate 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 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**.
- 1) That By-law No. 2001-1, and all subsequent by-laws amending this By-law be repealed and replaced with By-law Number 2016-XXX.

By-law read a first, second and third time and passed this XX day of XXXX, 2016.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

SCHEDULE "A" TO BY-LAW 2016-XX

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 2016-XX
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**; 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**.

(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 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 2016-XX
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.