

Rules of Procedure By-law

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Town of Whitby

By-law # 8081-24

Rules of Procedure By-law

Being a By-law governing the calling, place and proceedings of meetings.

Whereas section 238(2) of the Municipal Act, 2001, S.O. 2001, c. 25, provides that every municipality shall pass a procedural by-law for governing the calling, place and proceedings of meetings.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. Definitions

- 1.1. **Advisory Committee** means a Committee created by Council to act in an advisory capacity on a specific matter of municipal interest;
- 1.2. **By-law** means an enactment, in a form approved by Council, passed for the purpose of giving effect to a decision or proceedings of Council;
- 1.3. **Chair** means the presiding officer of any Meeting of Council or Committee;
- 1.4. **Clerk** means the Clerk of the Corporation of the Town of Whitby, or their designate, as the context requires;
- 1.5. **Closed Meeting** means a Meeting, or part of a Meeting of Council or a Committee, which is closed to the public as permitted by the Municipal Act;
- 1.6. **Committee** means any Standing Committee, Advisory Committee, Quasi-Judicial Committee or other committee, subcommittee or similar entity established by Council;
- 1.7. **Consent Agenda** means a listing of Consent Items presented to Council or Committee for its consideration and vote;
- 1.8. **Consent Item** means a report that is presented for approval without debate and is generally considered routine or time sensitive;
- 1.9. **Consent Report** means a report from a Standing Committee outlining items approved by the Standing Committee and being forwarded to Council for its consideration;
- 1.10. **Council** means the Council of the Corporation of the Town of Whitby;
- 1.11. **Councillor** means a Member of Council, other than the Mayor;
- 1.12. **Delegate** means any person, group of persons, firm or organization, who is neither a Member of a Committee or Council or an appointed official of the Town, or a consultant or other individual hired by the Town, wishing to address Committee or Council on a specific matter upon request to the Clerk;

- 1.13. **Local Board** means any board established and exercising any power and a substantial amount of authority over their own operations under any Act with respect to the affairs or purposes of the Town, or the Town and one or more other municipalities;
- 1.14. **Majority** means for the purpose of voting, unless otherwise specified, more than half the total number of the Members of Council or Committee present at the vote and not prohibited by statute from voting;
- 1.15. **Majority Vote** means more than one half of the votes cast by Members present (see also Attachment 1);
- 1.16. **Mayor** means the Mayor of the Corporation of the Town of Whitby;
- 1.17. **Meeting** shall have the same meaning as Section 238 of the Municipal Act.
- 1.18. **Member** means a Member of Council, a Committee, or a Local Board, as the context requires, and includes the Mayor;
- 1.19. **Motion** means a proposal moved by a Member and seconded by another Member, for the consideration of Council, or a proposal moved by a Member for the consideration of a Committee;
- 1.20. **Municipal Act** means the Municipal Act, 2001, S.O. 2001, c. 25, as amended or replaced from time to time;
- 1.21. **Open Meeting** means a Meeting which is open to the public;
- 1.22. **Petition** means a document requesting Council's consideration of a matter to which multiple individuals have signed or otherwise agreed with as petitioners and presented in a form and according to the process outlined in this by-law;
- 1.23. **Quasi-Judicial Committee** means a Committee created by Council to exercise a legislative or quasi-judicial power under the Planning Act, Municipal Act or an Act so prescribed, and includes the Municipal Licensing and Standards Committee (Property Standards Committee) required under the Building Code Act and the Compliance Audit Committee required under the Municipal Elections Act;
- 1.24. **Resolution** means a Motion that has been carried by Council;
- 1.25. **Rules of Procedure** means the rules and regulations governing the calling, place and proceedings of Meetings as provided in this by-law;
- 1.26. **Special/Ad Hoc Committee** means a Committee created by Council, with a defined ending, to report and recommend directly to Council/Committee on a specific matter;

1.27. **Standing Committee** means a Committee appointed by and directly reporting to Council, created from time to time, and currently comprised of the following Committees:

1.27.1. Audit Committee; and,

1.27.2. Committee of the Whole.

1.28. **Town** means the Corporation of the Town of Whitby; and,

1.29. **Two-Thirds Vote** means an affirmative vote of at least two-thirds of the votes cast by Members present (see also Attachment 1).

2. Interpretation

2.1. In the event of a conflict between this Procedure By-law and any statute or regulation, the provisions of the statute or regulation shall prevail.

2.2. When advice or guidance is required on a question of procedure, Robert's Rules of Order may be used by the Clerk. The advice or guidance provided by Robert's Rules of Order may then be communicated by the Clerk to the Chair to assist in making a ruling.

2.3. Further to Section 2.2, Robert's Rules of Order does not automatically take precedence when the Procedure By-law does not address a particular procedural matter. Custom, precedent, and the intentional silence of the Procedure By-law on a matter must also be considered. Only when there is an inability to interpret or act upon the Procedure By-law would there be a need to reference Robert's Rules of Order.

3. Application and Suspension of Rules

Suspension of Rules

3.1. These Rules of Procedure shall be observed in all proceedings at meetings of Council, and, where applicable, in Standing Committee meetings.

3.2. The Rules of Procedure may be suspended by a Two-Thirds Vote, with the exception of Section 11.44 (Adjournment), and any rule which is required to be followed by law.

3.3. A Motion to suspend the Rules of Procedure required by this by-law shall not be debatable or amendable and shall require a Two-Thirds Vote of the Members present.

3.4. A Motion to reconsider shall not be applied to a Motion to suspend the Rules of Procedure.

4. General Principles

- 4.1. The following general principles shall be observed by all Members participating in a meeting, and may be used by a meeting Chair for guidance in determining the appropriate course of action for any matter not addressed in these procedures:
 - 4.1.1. The majority of Members have the right to decide;
 - 4.1.2. All Members have the right to be heard;
 - 4.1.3. All Members have the right to information to help make decisions;
 - 4.1.4. All Members have a right to an efficient meeting;
 - 4.1.5. All Members have the right to be treated with respect and courtesy; and,
 - 4.1.6. All Members have equal rights, privileges, and obligations.

5. Conduct at Meetings

Members of Council

- 5.1. No Member shall,
 - 5.1.1. consume food in a room in which a Meeting is taking place, noting that beverages are permitted provided they are consumed in the provided drinkware;
 - 5.1.2. speak disrespectfully of any level of government, including elected or appointed members of government, another municipality, or the Region of Durham;
 - 5.1.3. use offensive words or speak disrespectfully against Council, staff, a Committee or Local Board, or against any Member;
 - 5.1.4. speak on any subject other than the subject in debate;
 - 5.1.5. criticize any decision of Council except for the purpose of moving that the question be rescinded, amended, or reconsidered; and,
 - 5.1.6. disobey the Rules of Procedure or decisions on questions of order or practice, or upon the interpretation of the Rules of Procedure, and in the case where a Member persists in any such disobedience after having been called to order, the Mayor or the Chair of the Committee or Local Board, as the case may be, may order that such Member leave the Meeting, however if the Member apologizes and agrees to adhere to the Rules of Procedure, matter of order, or matter of practice, the Member shall be permitted to remain at the Meeting.

Rules of Debate

- 5.2. Every Member prior to speaking to any Motion must be recognized first by the Chair. This will be done by the raising of the Member's hand.
- 5.3. When two or more Members request to speak, the Chair shall designate the Member who has the floor first.
- 5.4. When the Chair calls for the vote on a Motion, no Member shall speak to any other Member or make any noise or disturbance and no Member shall speak to the Motion nor shall any other Motion be made until after the vote is taken and the result has been declared.
- 5.5. When a Member is speaking, no other Member shall interrupt the Member except to raise a question of privilege, appeal from the decision of the Chair, or raise a point of order.
- 5.6. Any Member may require a Motion under discussion to be read or displayed at any time during the debate but not so as to interrupt a Member while speaking.
- 5.7. No Member shall speak more than once to the same Motion without permission of the Chair, except that a reply shall be allowed to be made only by the Member who has presented the Motion to Council.
- 5.8. No Member, without leave of Council, shall speak to the same Motion, or in reply, for longer than five (5) minutes.
- 5.9. A Member after being recognized as the next speaker may ask questions for the purpose of obtaining information relating to the Motion under discussion and such questions must be stated concisely and asked only through the Chair, following which the Member shall speak.
- 5.10. The Chair who presides over any part of a Meeting may state relevant facts and the Chair's position on any matter before Council or a Standing Committee without leaving the Chair, which may take place immediately prior to the vote, but it shall not be permissible for the Chair to move a Motion or debate a question without first leaving the chair.
- 5.11. If the Mayor desires a Member to preside over a portion of the Meeting for the purpose of the Mayor taking part in debate or moving a Motion, the Mayor shall request that the Deputy Mayor, if present, and if not present, any other Member, preside over the Meeting until the Mayor resumes the Chair.

Members of the Public

- 5.12. No member of the public shall:

- 5.12.1. display signs, banners, emblems, or flags, or make use of cameras, audio or video recording devices in the Council Chambers or other Meeting location, except by permission of the Chair;
- 5.12.2. come onto the dais during a Meeting of Council or Committee without the permission of the Mayor;
- 5.12.3. make detrimental comments, or speak ill of, or malign the integrity of staff, the public, or Council and Committee; or,
- 5.12.4. consume food or drink, other than water, in a room in which a Meeting is taking place.

6. Powers and Duties of the Mayor

Duties of the Mayor

- 6.1. It shall be the duty of the Mayor,
 - 6.1.1. to preside at all Meetings of the Council;
 - 6.1.2. to open Meetings of the Council by taking the Chair and calling the Members to order;
 - 6.1.3. to announce the business before the Council in the order in which it is to be acted upon;
 - 6.1.4. to receive and submit to a vote, in the proper manner, all Motions which do not contravene the Rules of Procedure and to announce the result;
 - 6.1.5. to decline to put to a vote Motions which infringe upon the Rules of Procedure;
 - 6.1.6. to restrain the Members, within the Rules of Procedure, when engaged in debate;
 - 6.1.7. to enforce on all occasions the observance of order and decorum among the Members;
 - 6.1.8. to expel any person for improper conduct at a Meeting, it being understood that such action shall be at the sole discretion of the Mayor;
 - 6.1.9. to authenticate, by signature when necessary, all By-laws, Resolutions, and minutes of Council;
 - 6.1.10. to inform Members of the Council on any point of order; and,

- 6.1.11. to adjourn the Meeting without the question being put or to suspend or recess the sitting for a time to be named if considered necessary because of disorder arising in the Meeting.

Mayor's Designates and Appointments

- 6.2. Where Council representation is required on a Committee or a Local Board, the Mayor shall designate the Member or Members to represent Council on such Committee or Local Board. A list of the Mayor's designates shall be placed on the next Regular Council agenda with a recommendation that they be received for information.
- 6.3. The Mayor shall appoint Members to serve as Chair and Vice-Chair of Planning and Development and Chair and Vice Chair of General Government, and those Members shall be responsible for chairing the respective portions of the Committee of the Whole agenda and meeting. The term of appointment shall be for one calendar year.

Note: Notwithstanding the provisions of the Procedure By-law, the ability for the Mayor to appoint Members to serve as Chair and Vice-Chair of Committees consisting solely of Members of Council is prescribed by Part VI.1 of the Municipal Act, 2001, S.O. 2001, c. 25.

- 6.4. The Mayor shall appoint a Ward Councillor as an alternate member of the upper-tier council, to act in place of a Member who is a member of the councils of the local municipality and its upper-tier municipality, when the Member is unable to attend a meeting of the upper-tier council for any reason.
- 6.5. The Mayor may appoint a Member to act as the Chair of Finance/Budget, and that Member shall be responsible for consulting with the Treasurer with regard to the preparation of the annual budget, and the presentation of the budget to the Council and public.

Note: Notwithstanding the provisions of the Procedure By-law, the Mayor has the authority to prepare and propose the annual budget to Council for Council's consideration, as prescribed by Part VI.1 of the Municipal Act, 2001, S.O. 2001, c. 25, unless the Mayor chooses to direct staff to carry out those duties and/or have that responsibility pass to Council by allowing the statutory timeframes to lapse.

- 6.6. Council shall consider and adopt a policy governing the appointment of and assignment of responsibilities to a Deputy Mayor. As a transition provision, until such time as a Council approved policy on the appointment of a Deputy Mayor is adopted, the appointment of Deputy Mayor shall continue to be in accordance with Section 2.3 of By-law # 7462-18, with that section deemed to be in force and effect until such time as Council passes a policy on the appointment of a Deputy Mayor to supersede it.

7. Powers and Duties of the Clerk

- 7.1. The Clerk shall record in the minutes:
 - 7.1.1. the date, time, and place of a Meeting;
 - 7.1.2. the Members attending the Meeting;
 - 7.1.3. the correction and adoption of the minutes of prior Meetings; and,
 - 7.1.4. all other proceedings of the Meeting without note or comment.
- 7.2. It shall be the duty of the Clerk to ensure that the minutes of the last regular Meeting and all special, closed and Standing Committee Meetings held prior to a regular Meeting are included in the next regularly scheduled Council agenda.
- 7.3. The minutes are a legal record of what action was taken and are open for errors and omissions. No debate is permitted.
- 7.4. The minutes shall be adopted by the Council without being read by the Clerk.
- 7.5. When the minutes of a Council Meeting have been adopted, the Mayor and the Clerk shall sign them. Committee Meeting minutes are presented to Council for information only and do not require adoption or signatures.
- 7.6. The Clerk shall be authorized to make minor corrections to any By-law, Motion, Resolution, minutes or other Council document to eliminate technical or typographical errors or to make any other corrections that do not materially alter the intent and purpose of the original document.
- 7.7. The Clerk or their designate shall be the secretary of all Standing Committees.
- 7.8. It shall be the duty of the secretary to give notice of each Meeting of a Standing Committee together with an agenda of the matters to be considered so that such notice and agenda will reach the Members not later than the day preceding the day of the Meeting.
- 7.9. Despite any provision of this by-law to the contrary, the secretary shall make every effort to publish an agenda with respect to a Meeting of a Standing Committee at least three (3) business days prior to such Meeting.
- 7.10. The Clerk shall prepare a Council Information Index listing all petitions and correspondence received by the Clerk and not related to an upcoming agenda. The Council Information Index shall be delivered directly to each Member of Council, generally on a weekly basis. A Member of Council may request in writing that an item from the Council Information Index be lifted and included on the next appropriate agenda, and the Clerk shall advise the

Mayor and relevant Standing Committee Chair, and then add the item to the next appropriate agenda.

8. Meetings – General Provisions

Electronic Participation at Meetings

- 8.1. A Member of Council may participate electronically in a Meeting that is open or closed to the public. A Member participating electronically shall count towards determining whether or not a quorum of members is present at any point in time.
- 8.2. Where the Rules of Procedure conflict with the need to facilitate electronic participation, the Chair, in consultation with the Clerk shall have the authority to modify the Rules of Procedure to ensure Members can effectively electronically participate in the meeting.
- 8.3. Members of the public shall have the option to present or delegate to Council and at Statutory Public Meetings under the Planning Act either electronically or in person, and the Clerk shall facilitate the presenter or delegate's preferred option upon receiving a formal request to appear as a delegation.
- 8.4. The Clerk may provide for the electronic participation of staff, including electronic participation of the Clerk.

Inaugural Council Meeting

- 8.5. The first Meeting of Council following a regular election shall be held on the Monday following November 15th, or if November 15th is a Monday, on that day.
- 8.6. At the inaugural Meeting, each Member present shall make their declaration of office and Council shall not proceed with any regular business at this Meeting.

Notice of Meetings

- 8.7. Prior to the end of each year, Council shall adopt a regular Meeting schedule for its Meetings to be held in the following year including the dates, times, and locations for such Meetings and the Clerk shall publish the schedule on the Town's website.
- 8.8. Despite the provisions of Section 8.7, the date, time, and location of regular Meetings of Council may subsequently be amended by consent of Mayor, and the Clerk shall note the change on the Town's website and shall give notice of the revised date, time and/or location to all Members and the public in accordance with Section 8.9 and Section 8.10.

- 8.9. Staff shall give public notice of all regular Council and Standing Committee Meetings by inclusion on the Town's website at least 72 hours prior to the Meeting.
- 8.10. Staff shall give public notice of all Special Meetings of Council and Standing Committees by inclusion on the Town's website as soon as possible after the Meeting is called and no later than 24 hours prior to the Meeting.
- 8.11. Notwithstanding Section 8.9 and Section 8.10, staff shall give further notice as required of specific items on an agenda in accordance with applicable legislation and/or Town policy.

Special Council Meetings

- 8.12. The Mayor may at any time call a Special Meeting of Council.
- 8.13. The Majority of the Members of the Council may present a petition to the Mayor and Clerk calling a Special Meeting for the purpose and at the time and place mentioned in the petition.
- 8.14. The Clerk shall give notice of the time, place, and purpose of every Special Meeting to all Members not less than 24 hours prior to the time fixed for the Meeting.
- 8.15. The notice calling a Special Meeting of the Council shall state the business to be considered at the Special Meeting and Council shall consider no business other than that stated in the notice of such Meeting.
- 8.16. A Special Meeting may be called for the purpose of educating or training Members, it being understood that the purpose of the Meeting is only to educate or train, and delegations shall not be received and decisions shall not be made or considered.
- 8.17. On urgent or extraordinary circumstances, the Mayor may call an emergency Special Council Meeting without the notice provided in Section 8.10 and Section 8.14 of this by-law.

Seating

- 8.18. For meetings taking place in the Council Chambers, Members will be assigned seating as follows:
 - 8.18.1. Council Meetings: Ward Councillors seated on the west side of the dais, in order clockwise from Ward 1 through Ward 4. Regional Councillors seated on the east side of the dais, in order clockwise based on the order of votes received in the last municipal election, from highest to lowest. Mayor and Deputy Mayor seated on the north side of the dais.

8.18.2. Committee of the Whole Meetings: Ward Councillors seated on the west side of the dais, in order clockwise from Ward 1 through Ward 4. Regional Councillors seated on the east side of the dais, in order clockwise based on the order of votes received in the last municipal election, from highest to lowest. Mayor and Chairs seated on the north side of the dais.

8.19. Notwithstanding the provisions of Section 8.18 of this By-law, the Mayor may revise the assigned seating for the purpose of an accommodation a Member requires that has been confirmed by the Town.

Voting

Open Meeting Voting

8.20. The manner of determining the decision of the Council on a Motion shall be by show of hands unless a recorded vote is requested. In the event that all or some Members are participating in the meeting electronically, the vote shall be called by asking for "those opposed". No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.

Recorded Vote

8.21. If a Member present at a Council Meeting at the time of a vote requests before the taking of the vote that the vote be recorded, each Member present, except a Member who is disqualified from voting by any Act, shall announce their vote openly and the Clerk shall record each vote. The order of voting shall be in alphabetical order by surname or single name, save and except the Mayor who shall vote last.

8.22. The Clerk shall record in the minutes the name of any Member of Council who is not present at the Meeting when such recorded vote is taken.

Majority Vote

8.23. The vote required to pass a Motion shall be a simple majority except as otherwise provided in this by-law or by statute and every Member shall have one vote.

Failure to Vote

8.24. A failure or abstention to vote by a Member who is present at the Meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.

Voting at Closed Meetings

8.25. In a closed Meeting, Council or Committee shall only vote on Motions pertaining to a procedural matter or for giving directions or instructions to

officers, employees or agents of the Town or persons retained by or under a contract with the Town.

Tie Votes

8.26. Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act.

9. Closed Meetings

9.1. A Meeting or part of a Meeting may be closed to the public if the subject matter being considered is a matter permitted to be considered in a Closed Meeting in accordance with Section 239 of the Municipal Act.

9.2. Prior to holding a Closed Meeting, Council or Committee shall state by resolution the fact of the holding of the Closed Meeting and the general nature of the matter to be considered.

9.3. Council may maintain a Closed Meeting Policy for the purpose of providing consistent rules and guidelines for Council, Local Board and Committee Meetings that may be closed to the public.

9.4. A Closed Meeting Policy may exempt certain Local Boards and Committees from the open Meeting requirements as contained in the Municipal Act.

10. Quorum

10.1. A majority of the Members of Council shall constitute a quorum.

10.2. For the purposes of a quorum of a Committee:

10.2.1. two Members of the Audit Committee shall constitute a quorum, and;

10.2.2. a Majority of the Members of Council shall constitute a quorum for Committee of the Whole.

10.3. Where there is an insufficient number of voting Members to constitute a quorum due to a provision of the Municipal Conflict of Interest Act, the remaining Members of Council constitute quorum provided that such number is not less than two (2).

11. Council Proceedings

Council Order of Business

11.1. The business of Council shall be taken up in the following order unless otherwise decided by the majority of the Members present:

11.1.1. Call to Order

- 11.1.2. Moment of Reflection and Land Acknowledgement
- 11.1.3. Call of the Roll
- 11.1.4. Declarations of Conflicts of Interest
- 11.1.5. Approval of the Minutes
- 11.1.6. Presentations
- 11.1.7. Delegations
- 11.1.8. Correspondence/Petitions
- 11.1.9. Committee Reports
- 11.1.10. Notices of Motion
- 11.1.11. New and Unfinished Business
- 11.1.12. By-laws
- 11.1.13. Closed Session
- 11.1.14. Confirmatory By-law
- 11.1.15. Announcements
- 11.1.16. Adjournment

Call to Order

- 11.2. As soon after the hour fixed for holding the Meeting of the Council and provided a quorum is present, the Mayor shall call the Members to order.
- 11.3. In the case of the Mayor not attending within 15 minutes after the hour fixed for holding the Meeting of the Council, and provided a quorum is present, the Deputy Mayor shall call the Members to order and shall preside until the arrival of the Mayor.
- 11.4. If a quorum is not present within fifteen minutes after the time appointed for a Meeting, the Clerk shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next regular Meeting or other Meeting called in accordance with the provisions of this by-law.

Moment of Reflection and Land Acknowledgement

- 11.5. Council meetings shall commence with a moment of reflection and land acknowledgement.

Call of the Roll

11.6. The Clerk shall report the attendance of the Members of the Council.

Declarations of Conflict of Interest

11.7. When a Member present at a Meeting has a conflict of interest as defined in the Municipal Conflict of Interest Act, as amended or replaced from time to time, the Member shall, prior to any consideration or discussion of the matter, disclose the conflict of interest and the general nature thereof and refrain from discussing, debating or voting on the matter.

11.8. Every disclosure of conflict of interest made by a Member shall be recorded in the minutes of the Meeting by the Clerk in accordance with the provisions of the Municipal Conflict of Interest Act, and the Member shall file a statement of the interest and its general nature with the Clerk.

11.9. If the matter is being considered or discussed at a Closed Meeting, the Member declaring a conflict of interest shall leave the Meeting for the portion in which that matter is discussed, debated, or voted on.

Presentations

11.10. Presentations at Meetings shall be limited to a maximum of 10 minutes.

11.11. The following types of presentations shall provide information only and shall be heard at the beginning of a Meeting:

11.11.1. Presentations approved by the Mayor made by outside organizations providing information with no accompanying report or recommendations; and,

11.11.2. Presentations by staff or Town consultants.

11.12. Recognitions at Meetings will generally occur at Regular Council Meetings and will be considered in accordance with the procedures established by the Clerk in consultation with the Mayor.

Delegations

11.13. A Delegate may only address Council with respect to an item on the agenda that was not previously considered at a Standing Committee meeting or in instances where the effect of the staff recommendation has been altered by a Standing Committee. Delegates may only present information on matters of fact. To make a request to appear at Council, written notice shall be given to the Clerk no later than 8:00 a.m. on the day of the Meeting.

11.14. Persons making delegations to Council or Committee shall not speak more than five (5) minutes unless otherwise provided by a Majority Vote of the Members present.

- 11.15. The priority in which delegations shall be considered by Council or Committee shall be determined by the Mayor or Chair, as applicable.
- 11.16. Delegates shall not be permitted to appear before Council or Committee for the sole purpose of generating publicity for an event.
- 11.17. A Delegate may only address a Standing Committee with respect to an item on the agenda. Delegations have until 8:00 a.m. on the day of the Committee Meeting to notify the Clerk in order to be a registered Delegate for the Meeting. Delegations meeting the notification deadline will be added to the meeting agenda.
- 11.18. Members may only address a Delegate upon recognition by the Chair and may only ask questions and not express opinions or enter into debate or discussion.
- 11.19. When posing questions to a Delegate, Members shall:
 - 11.19.1. ask questions to clarify points raised by a Delegate without introducing new information or asking the Delegate's opinion on a potential idea, suggestion, or course of action; and,
 - 11.19.2. ask questions in a succinct manner without summary of the delegate's speaking points, and without preamble, other introduction, or adding their own opinions or remarks.
- 11.20. The Chair shall be responsible for summarizing the speaking points of Delegates, referring questions from Delegates to Staff when appropriate, and managing the exchange of questions between Members and Delegates ensuring that questions are in accordance with Section 11.18 and Section 11.19.

Correspondence/Petitions

- 11.21. Correspondence intended to be presented to the Council shall,
 - 11.21.1. include the author's full name and full address;
 - 11.21.2. be legibly written or printed;
 - 11.21.3. be appropriate and respectful in tone, and not contain any improper or offensive language or information; and,
 - 11.21.4. be filed with the Clerk.
- 11.22. Petitions intended to be presented to the Council shall:
 - 11.22.1. Be filed with the Clerk and be regarding a subject or requesting an action that is within Council's authority.

- 11.22.2. Have the text listed at the top of each page for multiple-page petitions. Pages should be numbered, and total number of pages indicated.
 - 11.22.3. Be appropriate and respectful in tone and must not contain any improper or offensive language or information.
 - 11.22.4. Identify the petition organizer and provide the organizer's full name, full address, and contact information.
 - 11.22.5. If a paper petition, the petition should be legible and printed in ink, and include the signature, printed full name, and full address of each petitioner.
 - 11.22.6. If an electronic petition, include the full name, full address, and a valid e-mail address of each petitioner.
 - 11.22.7. Petitioners acknowledge that petitions addressed to the Town of Whitby and/or Council are considered a public document, may be posted on a publicly available agenda, and that the information contained in the petition may be subject to the scrutiny of the Town and members of the general public.
 - 11.22.8. A petition that adheres to some but not all of the above requirements may be distributed to Council at the discretion of the Clerk. If the Clerk refuses to accept the petition for not meeting the above criteria, the Clerk shall notify the petition organizer and advise Members of Council that the petition has been refused.
- 11.23. Petitions or correspondence relating to a matter on the Council or Committee agenda shall be delivered to the Clerk not later than noon on the day of the Meeting.
 - 11.24. The Clerk shall distribute the petition or correspondence received to Council or Committee Members prior to the Meeting to which the correspondence pertains.
 - 11.25. All correspondence on any subject within the purview of a Standing Committee shall be referred directly to that Standing Committee.

Committee Reports

- 11.26. Council shall consider reports of the Committees in the following order:
 - 11.26.1. Committee of the Whole
 - 11.26.2. Audit Committee

- 11.27. Committee reports shall be presented by the Chair of the Committee or, in their absence, the Vice-Chair of the Committee, who shall move the adoption of the report.
- 11.28. Council Members shall identify any items contained in a Committee Consent Report which they wish to speak to and the matter shall be extracted from the Consent report to be dealt with separately.
- 11.29. The balance of items on the Committee Consent report, which have not been extracted, shall be voted on in one Motion.

Contents of Committee Reports

- 11.30. All recommendations of a Standing Committee passed as a Motion shall be placed on the next regular Council agenda as part of the applicable Standing Committee Report, save and except:
 - 11.30.1. The Referral of an item at Standing Committee shall be noted as having been referred on the next regular Council agenda. Notwithstanding referral of a matter at Standing Committee, Council may dispense with or otherwise consider said matter;
 - 11.30.2. Motions to lift a matter from the Standing Committee's New and Unfinished Business List.
- 11.31. In the event that a recommendation or Motion regarding a Staff Report presented at a Standing Committee is defeated and not replaced with an alternative recommendation or Motion, the subject header for that Staff Report shall be placed on the next regular Council agenda as part of the applicable Standing Committee Report, with the following note in place of a recommendation: "No Committee Recommendation – Council Direction Required".

Notice of Motion

- 11.32. A Member desiring to introduce a Motion at a Meeting regarding a matter that would not otherwise be considered by the Council at such Meeting, shall notify the Clerk of the topic of the proposed motion 10 days in advance of the meeting in order that the Clerk may share the topic of the motion with Members. The Member shall then deliver a written copy of the Motion, with a confirmed mover and seconder, to the Clerk not later than Wednesday noon before the regular Meeting of Council at which notice of the Motion is to be given.
- 11.33. The Clerk, upon receipt of a notice of Motion, shall print the Motion in full in the agenda for the next regular Meeting of the Council.
- 11.34. Any Member of Council may agree to second a notice of Motion if the seconder is absent from the Meeting.

New and Unfinished Business

- 11.35. Departmental reports of an urgent nature which have not been considered by a Committee shall be listed under the New and Unfinished Business Section of the agenda for Council's consideration.
- 11.36. A Member may, with the consent of Two-Thirds Majority of the Members present, introduce a Motion under New and Unfinished Business which due to its urgent nature cannot be properly presented at a Meeting of Council or a Meeting of Committee in accordance with Section 11.32. Prior to introducing a formal Motion, a Member may provide clarity on the subject.

By-laws

- 11.37. The Clerk shall submit to Council a summary of all by-laws proposed for adoption, including the by-law number and title.
- 11.38. Unless otherwise requested or separated, all by-laws proposed for adoption shall be passed in one single Motion, duly moved and seconded.
- 11.39. Every By-law passed by Council shall:
- 11.39.1. be signed by the Mayor, or the presiding officer at the Meeting;
 - 11.39.2. be signed by the Clerk or Deputy Clerk;
 - 11.39.3. be sealed with the seal of the Town; and,
 - 11.39.4. indicate the date of passage.

Confirmatory By-law

- 11.40. Council may enact a By-law to confirm all actions taken by Council at that Meeting.

Announcements

- 11.41. Each Member shall be provided with up to one minute to make announcements regarding achievements and/or milestones within the community and to inform citizens about upcoming events to promote awareness.

Adjournment

- 11.42. On a Motion, which is non-debateable, approved by the majority of Members present, the Meeting shall adjourn.
- 11.43. At 10:30 p.m. during any Meeting, the Mayor or Chair, as applicable, shall conduct a review of remaining items of business and present a plan to Members for how the remaining items of business may be considered prior

to the meeting's adjournment. At the discretion of the Mayor or Chair, and subject to the consensus of Members, all or select remaining business may be presented to the Members as Consent Items to be considered without debate.

- 11.44. If a Meeting is still in session at 11:00 p.m., it shall adjourn with any remaining items of business deferred to the next appropriate meeting agenda.

Note: in accordance with Section 3 of this By-law, Council may not suspend the rules of procedure to circumvent the automatic adjournment at 11:00 p.m.

12. Standing Committee Meetings

Chair and Vice-Chair

- 12.1. The Members appointed as Chair, and in their absence the Vice Chair, shall Chair the portions of Committee of the Whole that respectively consider General Government and Planning and Development matters, and the Mayor and in their absence the Deputy Mayor shall chair the remaining portions of the agenda and meeting.

Committee Order of Business

- 12.2. The Clerk shall prepare an agenda containing the following:
- 12.2.1. Call to Order
 - 12.2.2. Land Acknowledgement
 - 12.2.3. Call of the Roll
 - 12.2.4. Declarations of Conflict of Interest
 - 12.2.5. Consent Agenda
 - 12.2.6. Delegations/Presentations
 - 12.2.7. Correspondence
 - 12.2.8. Staff Reports
 - 12.2.9. New and Unfinished Business
 - 12.2.10. Adjournment

Composition

- 12.3. The Audit Committee shall be composed of the Mayor, Deputy Mayor, and the Councillor designated as Chair of Finance/Budget by the Mayor. If the

Mayor does not to appoint a Chair of Finance/Budget or, if the Deputy Mayor and Chair of Finance/Budget are the same Member, then the Mayor may appoint an alternate Member to serve on the Audit Committee in order to achieve the three Member composition.

- 12.4. Committee of the Whole shall be comprised of all Members of Council.
- 12.5. Only Standing Committee Members may make Motions and vote. Members of Council who are non-Members of a Standing Committee may:
 - 12.5.1. attend the Standing Committee Meetings;
 - 12.5.2. sit at the Standing Committee table; and,
 - 12.5.3. speak after Members of the Standing Committee have had the first opportunity to speak.

Special Standing Committee Meetings

- 12.6. The Mayor may call a Special Standing Committee Meeting.
 - 12.6.1. The Clerk shall give notice of the time, place and purpose of every Special Standing Committee Meeting in accordance with Section 8.10.
 - 12.6.2. The agenda for a Special Meeting of the Standing Committee shall state the business to be considered at the Special Meeting and the Standing Committee shall consider no business other than that stated in the agenda.
 - 12.6.3. All recommendations passed at a Special Standing Committee Meeting shall be forwarded to Council for consideration.

Referral by Mayor

- 12.7. The Mayor may refer any matter of an urgent nature to Council which, due to its urgent nature, cannot be properly presented at the next regular Meeting of a Standing Committee.

Rules of Procedure for Committee

- 12.8. The Rules of Procedure of Council shall be observed in Meetings of Committees in so far as they are applicable, provided that,
 - 12.8.1. a Motion shall not be required to be seconded;
 - 12.8.2. the number of times a Member may speak on any question shall not be limited;

12.8.3. no Member shall speak more than once until every Member who desires to speak shall have spoken; and,

12.8.4. no vote on any particular item shall be recorded.

Standing Committees

12.9. There shall be the following standing committees of Council:

12.9.1. Audit Committee; and,

12.9.2. Committee of the Whole.

Note: Notwithstanding the provisions of the Procedure By-law, the Mayor has the power to establish or dissolve Committees consisting solely of Members as prescribed by Part VI.1 of the Municipal Act, 2001, S.O. 2001, c. 25, unless the Mayor chooses to delegate those powers and duties.

Standing Committee Responsibilities

12.10. The Audit Committee shall generally be responsible for review of the audit statements of the Corporation, prior to submission to Council.

12.11. The Committee of the Whole shall be responsible for considering all matters that do not properly fall under the jurisdiction of the Audit Committee, with the Committee of the Whole agendas segregated into matters of general government and matters of planning and development, the latter of which shall generally include those related to the Planning and Development Department.

Note: Notwithstanding the provisions of the Procedure By-law, the Mayor has the power to assign functions to Committees consisting solely of Members as prescribed by Part VI.1 of the Municipal Act, 2001, S.O. 2001, c. 25, unless the Mayor chooses to delegate those powers and duties.

13. Statutory Public Meetings under the Planning Act

13.1. The Chair and in their absence the Vice-Chair of Planning and Development appointed by the Mayor shall Chair Statutory Public Meetings under the Planning Act.

13.2. The dates and times for hearing Statutory Public Meetings under the Planning Act shall be established in the Council and Standing Committee meeting schedule as provided for in Section 8.7, and the dates and times of such Statutory Public Meetings under the Planning Act may be amended with the consent of the Planning and Development Chair and Commissioner of Planning and Development, provided all notice requirements under the Planning Act are met.

- 13.3. Statutory Public Meetings under the Planning Act are not deemed to be a meeting of Council or a Standing Committee. The Chair, Commissioner of Planning and Development and designates, and Clerk and/or recording secretary shall be permitted to appear on the dais, and no other Member shall be permitted on the dais.
- 13.4. The rules regarding the hearing of a Delegate as provided for in this By-law shall apply to Statutory Public Meetings under the Planning Act, including provisions regarding speaking time and decorum, save and except that any person wishing to make an oral submission at a public meeting shall not be required to register with the Clerk prior to appearing. All procedure rulings and interpretation regarding a Delegate shall be at the discretion of the Chair.
- 13.5. The Statutory Public Meeting under the Planning Act for each application shall proceed as follows:
 - 13.5.1. Staff shall provide a brief overview of the application;
 - 13.5.2. The applicant or their representative may appear and provide information regarding the application;
 - 13.5.3. Members of the public and/or stakeholders in attendance and wishing to speak may make an oral submission; and,
 - 13.5.4. The Chair may call on the applicant and/or staff to provide clarification on matters raised by members of the public and/or stakeholders.
- 13.6. The Clerk shall capture oral submissions from the public and stakeholders at Statutory Public Meetings under the Planning Act, and shall publish a copy of the minutes once prepared.

14. Advisory Committee Procedures and Reporting

- 14.1. The Clerk may establish simplified Rules of Procedure for Advisory Committees, Quasi-Judicial Committees or Local Boards. Where simplified Rules of Procedure are not established, the Committee or Local Board shall be deemed to have adopted this Procedure By-law, save and except Local Boards which may adopt their own Rules of Procedure subject to the approval of the Clerk.
- 14.2. Where an Advisory Committee is established to advise Council on certain matters, recommendations from the Advisory Committee requiring Council endorsement shall be placed on the Council Information Index and may be considered by Council in accordance with Section 7.10.

15. Motions

Precedence of Motions

15.1. Except as otherwise provided in this by-law, the order of presentation and disposition of Motions shall be as follows, with the lowest ranking Motion being at the bottom of the list and a Motion shall not be in order if a Motion having higher precedence is pending.

15.1.1. Privileged Motions

- 1) Adjourn
- 2) Recess
- 3) Question of Privilege

15.1.2. Subsidiary Motions

- 4) Table
- 5) Call the Question
- 6) Limit or Extend Limits of Debate
- 7) Deferral
- 8) Referral
- 9) Main Motion
- 10) Take from the Table
- 11) Reconsideration
- 12) Rescind

15.1.3. Incidental Motions

- 13) Appeal
- 14) Point of Order
- 15) Withdrawal of Motion
- 16) Suspension of Rules
- 17) Motion of Divide

Seconding

15.2. Council shall not debate any Motion until it has been seconded. When a Motion has been seconded, it may upon request be read or stated by the Mayor or Clerk at any time during the debate, but not so as to interrupt a speaker.

Motions

[Listed alphabetically for ease of reference]

Adjourn

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

15.3.1. when a Member is speaking or during the taking of a vote;

15.3.2. immediately following the affirmative resolution of a Motion that a vote on the question be now taken;

15.3.3. when a Member has already indicated to the Chair that the Member desires to speak to the question; and,

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

Appeal

15.4. A Motion to appeal from the decision of the Mayor,

15.4.1. If a Member appeals to Council, the Member shall have the right to state their case, the Mayor shall have the right to reply and Council shall decide the question without further debate by Majority Vote of the Members present and its decision shall be final.

15.4.2. shall be made only at the time the ruling is made by the Mayor;

15.4.3. shall not be debated, amended, or reconsidered; and,

15.4.4. the Chair will give concise reasons for the ruling and will call a vote on the following question; "Will the ruling of the chair be sustained?", and the decision is final. The Chair may vote on this question.

Beyond Jurisdiction

15.5. A Motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order unless it is a matter which, in the opinion of the Majority of Members present (this question to be decided without debate), has to do with the welfare of the citizens generally.

Call the Question

- 15.6. A Motion to call the question,
- 15.6.1. shall not be debatable or amendable;
 - 15.6.2. shall not be proposed when there is an amending Motion under consideration except for the purpose of moving that the amending Motion be considered immediately;
 - 15.6.3. when decided in the affirmative shall preclude all further amendments of the main Motion;
 - 15.6.4. when resolved in the affirmative, the original Motion shall be considered immediately without debate or amendment; and,
 - 15.6.5. shall not be moved by a Member who has spoken on the main Motion.

Deferral

- 15.7. A Motion to defer is to postpone a matter to a definite time and shall be debatable, amendable, and may be reconsidered.
- 15.8. If a matter has been deferred and a Member wishes to bring it back before the appointed time, the Motion to bring the matter back shall require a Two-Thirds Vote.

Limit or Extend Limits of Debate

- 15.9. A Motion to limit or extend the limits of debate,
- 15.9.1. shall not be debatable;
 - 15.9.2. may be amended;
 - 15.9.3. may be reconsidered; and,
 - 15.9.4. shall require a Two-Thirds Vote.

Point of Order

- 15.10. A point of order may be called by a Member to bring attention to,
- 15.10.1. any breach of the Rules of Procedure of the Council;
 - 15.10.2. any defect in the constitution of any Meeting of the Council;
 - 15.10.3. the use of improper, offensive, or abusive language;
 - 15.10.4. notice of the fact that the matter under discussion is not within the scope of the proposed Motion; or,

- 15.10.5. any other informality or irregularity in the proceedings of the Council.
- 15.11. When a Member wishes to raise a point of order, the Member shall ask leave of the Mayor to raise the point of order and after leave is granted the Member shall state the point of order to the Mayor and then remain silent until the Mayor has decided and stated the point of order.
- 15.12. Thereafter, a Member shall only address the Mayor for the purpose of appealing the Mayor's decision to Council.
- 15.13. If no Member appeals, the decision of the Mayor shall be final.

Question of Privilege

- 15.14. Where a Member considers that their integrity or the integrity of Council as a whole has been called into question, the Member may, as a matter of privilege raise the matter at any time, with the consent of the Mayor, with no debate being allowed, for the purpose of drawing the attention of Council to the question.
- 15.15. A Motion resulting from a question of privilege shall be treated as a main Motion and shall receive disposition by Council forthwith and the Motion so interrupted shall be immediately considered at the point where it was interrupted.

Recess

- 15.16. A Motion to recess when other business is before the Meeting:
- 15.16.1. shall specify the length of time of the recess;
 - 15.16.2. shall not be debatable and shall only be amendable with respect to the length of the recess; and,
 - 15.16.3. shall not have a Motion to reconsider applied to it.
- 15.17. A Motion to recess, when no other business is pending, shall be treated as a main Motion. The recess may be taken immediately or at a future time.

Reconsideration

- 15.18. After a matter has been decided by Council, it shall only be reconsidered within 12 months following the decision of Council based on new information and if Council decides to do so by a Two-Thirds Vote, unless a regular election has occurred following the decision.
- 15.19. A Motion to reconsider is debatable.

- 15.20. No discussion on the matter being reconsidered shall be allowed until the Motion for reconsideration is carried.
- 15.21. If the Motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, and debate on the question to be reconsidered shall proceed as though it had never previously been considered.
- 15.22. Where a decision of the Ontario Land Tribunal (OLT) results in a planning and development matter being referred back to Council for reconsideration, the matter shall be placed as soon as practicable on the Council meeting agenda following the referral from the OLT and the matter shall not be deemed a reconsideration for the purpose of this Section.

Referral

- 15.23. A Motion to refer:
- 15.23.1. shall identify to whom or what body the question or Motion is being referred (i.e. staff, an Advisory Committee, or from a Standing Committee to Council);
 - 15.23.2. shall identify the date and time the matter shall be brought back for consideration by the Standing Committee or Council;
 - 15.23.3. shall require instructions or reasons for the referral (i.e. to undertake further investigations or provide additional information); and,
 - 15.23.4. is debatable and amendable.

Rescind

- 15.24. A Motion to rescind:
- 15.24.1. shall not be used if it is possible to use the Motion to reconsider;
 - 15.24.2. shall require a Two-Thirds Vote; and,
 - 15.24.3. shall be debatable, amendable, and may be reconsidered.

Table

- 15.25. A Motion to lay on the table:
- 15.25.1. takes precedence over all other subsidiary Motions;
 - 15.25.2. may be applied to main Motions, to appeals, to reconsideration and to Motions that arise out of questions of privilege;

- 15.25.3. is in order when a Motion to close debate is pending or has been carried;
- 15.25.4. cannot be debated or amended; and,
- 15.25.5. cannot apply to any subsidiary Motion and cannot have any subsidiary Motion applied to it.

Take from the Table

- 15.26. A Motion to take from the table:
 - 15.26.1. shall not be in order when another Motion is before the Meeting;
 - 15.26.2. shall not be debatable or amendable;
 - 15.26.3. when resolved in the negative, shall not be presented again that meeting; and,
 - 15.26.4. when resolved in the affirmative the Motion shall become immediately pending.

Withdrawal

- 15.27. A request to withdraw a Motion:
 - 15.27.1. shall only be made by the mover of the Motion;
 - 15.27.2. may be made without the consent of the seconder of the Motion; and,
 - 15.27.3. shall be in order up until the vote on the Motion is taken;
- 15.28. If a Member objects to the withdrawal of a Motion, a withdrawal Motion may be entertained and becomes a main Motion, requires a seconder and a Majority Vote to adopt. If no Member objects to the withdrawal of the Motion, the Motion shall be considered withdrawn without the necessity of a seconder and a vote.

16. Short Title

- 16.1. This by-law may be referred to as the Procedure By-law.

17. Repeal of Existing By-laws

- 17.1. The following by-laws are hereby repealed:
 - 17.1.1. By-law # 7462-18;
 - 17.1.2. By-law # 7467-19;

- 17.1.3. By-law # 7534-19;
- 17.1.4. By-law # 7586-19;
- 17.1.5. By-law # 7618-20;
- 17.1.6. By-law # 7632-20;
- 17.1.7. By-law # 7656-20;
- 17.1.8. By-law # 7724-21;
- 17.1.9. By-law # 7814-21;
- 17.1.10. By-law # 7834-21; and,
- 17.1.11. By-law # 7888-22.

18. Effective Date

18.1. This by-law shall come into force and take effect on the passing thereof.

By-law read and passed this 27th day of May, 2024.

Appendices

Appendix 1

Table for Determining “More Than One-Third Vote”, Majority Vote, and Two-Thirds Vote

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Appendix 1 to Rules of Procedure By-law # 8081-24

Table for Determining “More Than One-Third Vote”, Majority Vote, and Two-Thirds Vote

Note: Reference to “More Than One-Third Vote” is applicable to specific circumstances noted in Part VI.1 of the Municipal Act, 2001, S.O. 2001, c. 25.

Number of Votes Cast	One-Third Vote	Majority Vote	Two-Thirds Vote
1	1	1	1
2	1	2	2
3	2	2	2
4	2	3	3
5	2	3	4
6	3	4	4
7	3	4	5
8	3	5	6
9	4	5	6
10	4	6	7
11	4	6	8
12	5	7	8
13	5	7	9
14	5	8	10
15	6	8	10