

Clause 17 in Report No. 7 of Committee of the Whole was adopted, as amended, by the Council of The Regional Municipality of York at its meeting held on April 19, 2018.

It was moved by Regional Councillor Heath, seconded by Regional Councillor Taylor that:

1. Council receive the report dated March 13, 2018 from the Commissioner of Corporate Services.
2. Council refer the proposed bylaw to staff to bring back to Council in May 2018 with additional amendments to provide for notice of motion to be given at Committee of the Whole meetings then dispensed with at the next Committee of the Whole meeting.

17

Updating the Procedure Bylaw  
to reflect Legislative Amendments

Committee of the Whole recommends adoption of the following recommendation contained in the report dated April 3, 2018 from the Commissioner Corporate Services:

1. The Region's Procedure Bylaw 2014-81 be repealed and replaced with the bylaw as shown in *Attachment 1*.

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Report dated April 3, 2018 from the Commissioner of Corporate Services now follows:

1. Recommendation

It is recommended that:

1. The Region's Procedure Bylaw 2014-81 be repealed and replaced with the bylaw as shown in *Attachment 1*.

2. Purpose

The Region's Procedure Bylaw governs the procedures for Regional Council and Committee meetings. This report presents an updated Procedure Bylaw that responds to amendments to the *Municipal Act* and *Municipal Conflict of Interest Act*. It also sets out some minor housekeeping updates to reflect changes such

## Updating the Procedure Bylaw to reflect Legislative Amendments

as the current start time of Council meetings and the structure of Committee of the Whole.

### 3. Background

The Region's Procedure Bylaw was last updated in 2014

The last significant update to the Region's Procedure Bylaw was enacted on [September 11, 2014](#). There were two minor amendments thereafter to accommodate changes to the Committee of the Whole structure but the Procedure Bylaw has not been revisited since.

There have been a number of legislative changes in recent years and several of the provisions should be incorporated into the bylaw. Additionally, there are some opportunities to clarify and update other provisions to reflect Council practices.

### 4. Analysis and Implications

There have been a number of amendments to both the *Municipal Act* and the *Municipal Conflict of Interest Act* that also impact the Region's Procedure Bylaw

In December 2016, the [Building Ontario Up for Everyone Act \(Budget Measures\), 2016](#), amended the *Municipal Act* to require that regional municipalities, with the exception of Oxford County, must directly elect their heads of council.

The [Modernizing Ontario's Municipal Legislation Act, 2017](#) changed a number of provisions in the *Municipal Act* and the *Municipal Conflict of Interest Act*. These are explored in more detail in this report.

The Regional Chair is now directly elected rather than appointed

Prior to the legislated amendment, Regional Council appointed the Regional Chair at its inaugural meeting following the municipal election. Section 4 of the Procedure Bylaw dealt solely with the Regional Chair appointment process. This is now redundant and should therefore be removed. Additionally, section 3, which deals with the Inaugural Meeting of Council should be updated to remove references to the Regional Chair's appointment.

Sections 9.6 and 19.8 of the Procedure Bylaw provide that the Regional Chair may only vote at Council to break a tie. Staff recommends that this provision be amended so the directly-elected Regional Chair may vote at Council meetings.

Updating the Procedure Bylaw to reflect  
Legislative Amendments

Local municipalities may appoint an alternate Member of  
Regional Council

Regional Council considered the use of alternate members on [January 25, 2018](#). Since the Procedure Bylaw will apply to any alternate members, the definition of “Member” in the Procedure Bylaw should be updated to include alternate members sitting at Regional Council.

The Procedure Bylaw should incorporate *Municipal Act* amendments related to public and private meetings

Firstly, the definition of “meeting” was changed to add greater clarity. The new definition provides that a meeting means any regular, special or other meeting of a council, local board or of a committee of either of them where a quorum of members is present and they discuss or deal with a matter in a way that materially advances the business of that council, local board or committee. The Procedure Bylaw should be updated accordingly.

Secondly, several new closed meeting provisions were added. These are in addition to the existing provisions that include solicitor-client privilege, labour relations, security of property and personal information. Regional Council may now close a meeting to the public if the subject matter being considered includes the following:

1. Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them
2. A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization
3. A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value
4. A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board

Additionally, Regional Council must now close a meeting to the public if the subject matter relates to an ongoing investigation respecting the municipality, a local board or municipally-controlled corporation by the Ombudsman or a closed meeting investigator.

Updating the Procedure Bylaw to reflect  
Legislative Amendments

These provisions are in addition to the existing exemptions. They generally bring the *Municipal Act* into consistency with confidentiality provisions in the *Municipal Freedom of Information and Protection of Privacy Act*. Section 13.2 of the Bylaw should be amended to include these additional provisions.

Certain amendments to the *Municipal Conflict of Interest Act* should also be incorporated into the Procedure Bylaw

Although the amendments to the *Municipal Conflict of Interest Act* do not take effect until March 1, 2019 Council can incorporate them into the updated Procedure Bylaw now rather than revisit it in the future.

Section 12 of the Bylaw should be updated to reflect the newly-legislated requirement that Members will be required to file a written statement of their conflict of interest with the Clerk or Secretary of the Board or Committee as the case may be. A further amendment to the Bylaw will confirm that the Clerk will keep a registry of declarations of pecuniary interest and associated written statements which will be available to the public.

There are some other opportunities to update the Procedure Bylaw to reflect current practices

There are several other minor amendments that can be incorporated as part of this bylaw review. These amendments reflect current practices, create additional clarity or otherwise enhance meetings. Table 1 outlines these recommended changes as well as the other amendments considered in this report.

**Table 1**  
**Overview of suggested Procedure Bylaw updates**

Section	Topic	Rationale
Definitions	Definition of "Auditor"	Update to clarify that references are to the Region's internal Auditor
Definitions	Definition of "Member"	Legislated – Expand to include alternate Members sitting at a Regional Council meeting
Definitions	Definition of "Meeting"	Legislated – update to reflect the definition in the <i>Municipal Act</i>
3.2	Inaugural Meeting of Council	Legislated – Remove references to the Regional Chair's appointment as he or she will be directly elected
N/A	Appointment of the Regional Chair	Legislated – Delete entirely since the Chair will now be directly elected

Updating the Procedure Bylaw to reflect  
Legislative Amendments

Section	Topic	Rationale
4.1	Place and time of regular meetings of Regional Council	Update to reflect that Regional Council meetings start at 9 a.m. rather than 9:30 a.m.
8.6	Regional Chair voting	Update to permit the Regional Chair to vote at Council meetings in all cases and not just to break a tie.
11.2	Disclosures of Pecuniary Interest	Legislated – require that Members file a written statement of their declaration with the Clerk and confirm the Clerk will maintain a public registry of disclosures
13.2, 13.3	Closed meetings	Legislated – include the additional closed meeting exemptions and differentiate between discretionary and mandatory exemptions
19.8	Regional Chair voting	Delete this provision since it is repeated in section 9.6. Also delete section 19.9 as it becomes irrelevant
N/A	Structure of Committee of the Whole meetings	Delete to provide flexibility to restructure Committee of the Whole section where appropriate
21.1	Committee of the Whole start time	Update to reflect that meetings start at 9 a.m. rather than 9:30 a.m.
21.14	Reports/Communications to be considered	Update to also permit the Regional Clerk, the Chief Planner and the General Managers of Housing York Inc. and YTN Telecom Network Inc. and the President of York Region Rapid Transit Corporation to submit reports.
22	Audit Committee	Include section to recognize Audit Committee and highlight its unique attributes

The *Municipal Act* now permits councils to allow its members to remotely participate in meetings subject to some limitations

A new provision in the *Municipal Act* permits a Council to include provisions in its Procedure Bylaw to allow members to participate electronically in a meeting. The Procedure Bylaw can define the scope of such participation except that any member participating in such a way cannot count towards quorum and is not permitted to participate in a closed meeting.

## Updating the Procedure Bylaw to reflect Legislative Amendments

There are many things to consider before moving forward with electronic participation provisions, not least the technological requirements. It is not recommended to permit remote participation at this time.

### 5. Financial Considerations

There are no financial implications associated with this report.

### 6. Local Municipal Impact

There is no local municipal impact associated with this report.

### 7. Conclusion

The Region's Procedure Bylaw should be updated to reflect a number of recent legislative amendments. These include the *Municipal Act* amendments relating to the direct election of the Regional Chair, the definition of a meeting and additional closed meeting exemptions as well as updates to the *Municipal Conflict of Interest Act* that require declarations of interest to be filed in writing and available to the public.

In addition to the required updates there are several other housekeeping provisions that can also be incorporated. These include the current start time of Council, the structure of Committee of the Whole and permission for a number of additional staff to submit reports to Council. These updates better reflect existing practices or provide additional clarity to the Bylaw.

New provisions that permit members to participate electronically in meetings should be considered further before moving forward.

For more information on this report, please contact Christopher Raynor at 1-877-464-9675 ext.71300.

Updating the Procedure Bylaw to reflect  
Legislative Amendments

The Senior Management Group has reviewed this report.

April 3, 2018

Attachments (1)

8295328

Accessible formats or communication supports are available upon request

THE REGIONAL MUNICIPALITY OF YORK

BYLAW NO. 2018-xx

A bylaw to govern the proceedings  
of Council and its Committees

WHEREAS Section 238 (2) of the *Municipal Act, 2001* provides that every municipality shall pass a procedure bylaw for governing the calling, place and proceedings of meetings:

NOW THEREFORE, the Council of The Regional Municipality of York hereby enacts as follows:

**1. INTERPRETATION**

Definitions

- 1.1 In this Bylaw,
- (a) “Act” means the *Municipal Act, 2001* as amended or re-enacted from time to time;
  - (b) “Acting Chair” means the Member appointed to act from time to time in the place and stead of the Regional Chair, pursuant to Section 242 of the Act;
  - (c) “Auditor” means the head of the Region’s internal audit function;
  - (d) “Chair” means the person presiding at a Meeting or a section of a Committee of the Whole meeting;
  - (e) “Chief Administrative Officer” means the Chief Administrative Officer of the Region;
  - (f) “Clerk” means the Regional Clerk or his or her designate;
  - (g) “Committee” means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also Members of Regional Council, and includes the Committee of the Whole, a Standing Committee, a Special Committee or a Task Force
  - (h) “Committee of the Whole” means all of the Members sitting in committee;
  - (i) “Confirmatory Bylaw” means a bylaw passed for the

- purpose of giving general effect to a previous decision or proceedings of Council;
- (j) “Council” means the Council of The Regional Municipality of York;
  - (k) “deputation” means an oral submission made by and at the request of a member of the public requesting action from Council or a Committee;
  - (l) “inaugural meeting” means the first meeting of Regional Council after a regular election as set out in Section 230 of the Act;
  - (m) “majority vote” means an affirmative vote of more than one half of the Members present and voting;
  - (n) “meeting” means a meeting of Council or a Committee where a quorum of members is present and members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of Council or Committee;
  - (o) “Member” means a Member of Council or an alternate Member of Council appointed by a local municipality under s. 268 of the Act ;
  - (p) “motion” means a proposal moved by a Member and, if moved in Council, seconded by another Member, to adopt, amend or otherwise deal with a matter before Council or a Committee;
  - (q) “motion to defer” means a motion to delay consideration of a matter until later in the same meeting or to a future meeting of Council or a Committee;
  - (r) “motion to receive” means a motion to acknowledge an item, report or recommendation under consideration and to have it placed in the records of Council with no additional action being taken;
  - (s) “motion to refer” means a motion to dispose of a question under consideration, with or without any proposed amendment, in order to seek consideration by, and, if deemed desirable, one or more reports from any Committee, body or official;
  - (t) “motion to table” means a motion to postpone without setting a definite date as to when the matter will be considered again;
  - (u) “notice of motion” means a written notice of a motion respecting a substantive matter not on the agenda for a meeting of Council which is received by the Clerk, moved by a Member, and seconded by another Member, for inclusion

- on the agenda for a future meeting of Council;
- (v) “point of order” means a question by a Member with a view to calling attention to any issue relating to this bylaw or the conduct of Council's business or in order to assist the Member in understanding Council's procedures, making an appropriate motion, or understanding the effect of a motion;
  - (w) “point of privilege or personal privilege” means a question by a Member who believes that another Member has spoken disrespectfully towards that Member or another Member or who considers that his or her integrity or that of a Member or Regional official has been impugned or questioned by a Member;
  - (x) “presentation” means an address by staff or a member of the public to Council or a Committee at the request of Council, a Committee or staff;
  - (y) “presiding officer” means any person who is presiding at a meeting;
  - (z) “recorded vote” means a written record of the name and vote of every Member voting on any matter or question;
  - (aa) “private session” means a meeting that is closed to the public;
  - (bb) “Region” means The Regional Municipality of York;
  - (cc) “Regional Chair” means the Chair of Council;
  - (dd) “report” means a report of a Committee or a report of the Regional Chair, the Chief Administrative Officer, one or more Commissioners or their designates, the Regional Solicitor;
  - (ee) “resolution” means the decision of Council on any motion;
  - (ff) “two-thirds majority vote” means an affirmative vote of at least two-thirds of the Members present at a meeting;
  - (gg) “Vice Chair” means the Vice Chair of a Committee or the Vice Chair of a section of the Committee of the Whole.

## **2. APPLICATION**

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| General                    | 2.1 | The rules of procedure set out in this bylaw shall govern all proceedings of Council and its Committees.  |
| Rules Governing Committees | 2.2 | Where this bylaw states that a matter applies to Council, it shall also apply to a Committee subject to any specific modifications set out in this bylaw. |
| Statutory                  | 2.3 | Notwithstanding anything in this bylaw, where Council or a  |

Requirements Committee convenes for the purpose of holding a hearing as required by any statute, the provisions of the statute and the *Statutory Powers Procedure Act*, as applicable, shall govern the proceedings.

### 3. INAUGURAL MEETING OF COUNCIL

Date of Inaugural Meeting 3.1 The inaugural meeting of Council for each term of Council shall be held on the Thursday following the first Monday in December after a regular election at a time and place to be fixed by the Clerk.

Order of Business 3.2 The order of proceedings at an inaugural meeting shall include:

- (a) filing of certificates of election in accordance with Section 232(3) of the Act;
- (b) filing or taking of Members' declarations of office;
- (c) passage of a confirmatory bylaw and any other relevant bylaws; and
- (d) other ceremonial proceedings as deemed appropriate by the Regional Chair, the Chief Administrative Officer or the Clerk.

### 4. MEETINGS OF COUNCIL

Regular Meetings 4.1 The regular meetings of Council shall be held at 9 a.m. in the York Region Administrative Centre, 17250 Yonge Street, Newmarket, Ontario, in accordance with the schedule adopted annually by Council, except:

- (a) when otherwise directed by resolution of Council; or
- (b) when the Regional Chair advises otherwise upon a minimum of 48 hours' notice, provided that this notice shall not be required in an emergency.

Special Meeting 4.2 The Regional Chair may at any time call a Special Meeting of Council by providing written direction to the Clerk to issue a Notice of Special Meeting.

4.3 Upon the receipt of a petition of the majority of Members, the Clerk shall call a Special Meeting for the purpose and at the time noted in the petition.

Matters Decided at Special Meeting 4.4 At a Special Meeting of Council, Council shall not decide upon any matter unless the matter has been specified in the Notice calling the meeting. This provision may be waived with a two-thirds majority vote.

Taping, 4.5 Meetings which are not closed to the public may be taped, televised

Televising,  
Recording

or otherwise electronically or mechanically recorded so long as the taping, televising or recording is carried out in a manner that does not interfere with proceedings at the meeting, and provided that the recording has been authorized by the Regional Chair.

## 5. NOTICE

Notice to  
Members

5.1 Notice to Members of all meetings of Council or Committee, agendas, agenda items, cancellations and re-schedulings shall be provided by the Clerk to each Member's residence or place of business, as directed by the Member, not less than 48 hours prior to the time set for the meeting. Notice may be sent by courier or email. Notice may also be provided by telephone or personal contact in case of an emergency.

Notice to  
Members of  
Special Meeting

5.2 Written notice of all Special Meetings of Council or Committee, detailing the matters to be considered at the meeting, shall be delivered to all Members not less than 48 hours before the time set for the meeting.

Notice to Media  
and Public

5.3 The Clerk shall provide notice to the public and the media of all Meetings of Council or Committee, agendas, agenda items, cancellations and re-schedulings by:

- (a) publishing the annual schedule of meetings once adopted by Council by posting on the Region's website and by distributing copies upon request;
- (b) updating the annual schedule of meetings posted on the Region's website within 24 hours of any changes made to the schedule;
- (c) not less than 24 hours in advance, posting a copy of meeting notices, main agendas, and main agenda items for review at the Kiosk located in the Great Hall of the York Region Administrative Centre; and
- (d) not less than 24 hours in advance, posting meeting notices, agendas and agenda items on the Region's website.

Contents of  
Notice

5.4 Every notice of a meeting of Council or Committee shall indicate the day, date, time and place of commencement of the meeting, and the contact information for the Clerk's Office.

Minimum  
Requirements

5.5 The notice requirements set out in this bylaw are minimum requirements only, and the Clerk may give notice in an extended manner if in the opinion of the Clerk the extended manner is reasonable and necessary in the circumstances.

Subordinate to  
other required

5.6 The notice requirements set out in this bylaw shall be subject to any specific requirements for the fixing of notice as prescribed by

- forms of notice                      legislation or as directed by Council.
- Cancellation/  
Postponement                      5.7      The Clerk may cancel or reschedule a Meeting in consultation with the Regional Chair or the Chief Administrative Officer in the Regional Chair's absence.
- 5.8      Any meeting may be cancelled or rescheduled to a day, time and place set out in a written notice from the Clerk, sent to each Member at the address provided to the Clerk at least 48 hours before the scheduled date of the meeting.
- Failure to Meet  
Notice  
Provisions                      5.9      Notice which is substantively given but which is irregular or not otherwise in strict compliance with this bylaw will not invalidate the holding of a meeting or any proceeding taken at a meeting.

## 6. COUNCIL AGENDAS

- Agenda 6.1 The Clerk, subject to such changes as may be appropriate in the circumstances, shall prepare for distribution a Council Agenda with the routine order of business for regular meetings of Council to be as follows:
- (a) Disclosures of Interest by Members
  - (b) Minutes of Previous Meeting(s) of Council
  - (c) Presentations
  - (d) Deputations
  - (e) Communications
  - (f) Consideration and Adoption of Reports
  - (g) Unfinished Business
  - (h) Introduction and Consideration of Bylaws
  - (i) Motion(s)
  - (j) Notice of Motion(s)
  - (k) Other Business
  - (l) Private Session
  - (m) Reconvene in Public Session
  - (n) Confirmatory Bylaw
  - (o) Adjournment
- Revised Agenda 6.2 After delivery of the Council Agenda, the Clerk may amend the Agenda by way of a Revised Agenda by adding or deleting matters from the prepared Agenda in consultation with the Regional Chair or the Chief Administrative Officer. In this case, the Clerk shall endeavour to forward additional Agenda material to the Members prior to the meeting. The Revised Agenda may be presented at the Council meeting, and is not subject to the Notice requirements set out in Part 6 of this Bylaw.
- Order of Business 6.3 The business of Council shall, in all cases, be taken up in the order in which it appears on the Agenda, unless otherwise directed by Council. Any matter on the Agenda not disposed of by Council shall be placed on the Agenda of the next regular meeting of Council as Unfinished Business.
- Circulation to Public 6.4 As soon as Agenda information is published and distributed by the Clerk to Members and, subject to the current policy of Council respecting reproduction charges, the information may be made available to the public except for information relating to matters to be considered in private session.
- Communications 6.5 Every communication intended to be presented to Council or Committee must be legibly written and must contain the name, contact address and telephone number of at least one person and preferably the names and addresses of all signatories. For all communications submitted there shall be designated a contact

person to whom the Clerk can communicate on behalf of Council or a Committee.

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| Referral to Committee                                  | 6.6  | Any communication within the jurisdiction of a Committee shall first be referred by the Clerk to the appropriate Committee unless the communication relates to a subject or report scheduled to be considered by Council.   |
| Disposition of Communications                          | 6.7  | Communications listed on the Agenda, which contain a request for action on the part of Council, shall not be acted upon without Council first receiving a report from staff or the appropriate Committee unless the action is of a routine or congratulatory nature.  |
| Resolutions from Municipalities outside of York Region | 6.8  | All communications received from municipalities outside the Greater Toronto Area that are not regional or large urban single-tier municipalities requesting endorsement or consideration of their resolution shall be forwarded to the Regional Chair, Chief Administrative Officer and the relevant Commissioner for consideration, and may be added to the appropriate Council Agenda by the Regional Chair, or to a Committee Agenda by the Regional Chair, the Chief Administrative Officer or the relevant Commissioner. |
| Consent Procedure                                      | 6.9  | More than one item on the agenda for Council or Committee meetings containing recommendations may be adopted in a single motion.  |
|  | 6.10 | Council may consider the adoption of the Committee of the Whole recommendations in one motion.  |
|  | 6.11 | At the request of any Member, any specific items of business shall be subject to individual consideration.  |

## **7. QUORUM**

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| Quorum - Council              | 7.1 | A quorum of Council is eleven (11) Members, including the Regional Chair, representing at least five (5) area municipalities.   |
| No Quorum at Beginning        | 7.2 | If a quorum is not present at a scheduled meeting of Council thirty (30) minutes after the scheduled commencement time, the meeting shall stand adjourned until the next regular meeting of Council and the Clerk shall record the names of the Members present. If the Members who are present at the time remain until a quorum is present, then the meeting shall proceed. |
| Loss of Quorum During Meeting | 7.3 | If a quorum is lost during a meeting of Council then the Regional Chair shall, upon determining that a quorum is not present, request the Clerk to call for a quorum for a period of fifteen (15) minutes, or until a quorum is present, whichever is sooner.   |

Idem 7.4 If there is still no quorum of Council after fifteen (15) minutes, the meeting shall stand adjourned and the Clerk shall record the names of the Members present. In this case, all unfinished business shall be carried forward to the next meeting of Council.

*Municipal Conflict of Interest Act* 7.5 Where the number of Members who, by reason of the provisions of the *Municipal Conflict of Interest Act*, are prohibited from participating in a meeting is such that, at that meeting, the remaining Members are not of sufficient number to constitute a quorum, then the remaining number of Members shall be deemed to constitute a quorum, provided this number is not fewer than two (2).

## 8. DUTIES OF THE REGIONAL CHAIR

Call Meeting to Order 8.1 As soon as there is a quorum after the time set for the meeting, the Regional Chair shall take the chair and call the Members to order.

8.2 The Regional Chair shall preside over the meetings of Council so that its business can be carried out efficiently and effectively, and shall:

- (a) maintain order and preserve the decorum of the meeting;
- (b) rule on all procedural matters, without debate or comment;
- (c) receive and submit to a vote all motions presented by the Members that do not contravene the rules of procedure;
- (d) decline to put to a vote motions which do not comply with the rules of procedure, or which are not within the jurisdiction of Council;
- (e) announce the results of the vote on any motions presented for a vote;

Regional Chair's Duties (f) expel or exclude from any meeting any person whom the Regional Chair feels has exhibited improper conduct at the meeting;

(g) adjourn or suspend the meeting if he or she considers it necessary because of grave disorder; and

(h) close the meeting when business is concluded or recess the meeting as required.

Order to Vacate 8.3 The Regional Chair, after three warnings, shall call by name any Member persisting in breach of the rules of procedure and, subject to a majority vote of Members present, order him or her to vacate his or her seat and leave the meeting.

- Matters not Covered in this Bylaw 8.4 All matters not covered by this bylaw shall be decided by the Regional Chair. The Regional Chair may call upon the Clerk to provide advice regarding procedure. The Clerk shall provide this advice following which the Regional Chair shall announce his or her ruling.
- Appeal of Regional Chair's Ruling 8.5 If a Member disagrees with the ruling of the Regional Chair, he or she may appeal the ruling of the Regional Chair. The Regional Chair, in response, shall call a vote on the question of sustaining the ruling of the Chair. The Regional Chair may provide further explanation of the ruling prior to calling the vote.
- Voting 8.6 The Regional Chair may vote in meetings of Council.

## **9. PRESIDING OFFICER**

- Appointment of Presiding Officer 9.1 In case the Regional Chair does not attend within fifteen (15) minutes of the time a quorum is present after the scheduled commencement time for a meeting of Council or Committee of the Whole, or after resumption of the meeting after an adjournment, the Clerk shall call upon the Acting Chair for the month in question and he or she shall preside until the arrival of the Regional Chair.
- Regional Chair's Designation 9.2 The Regional Chair may designate another Member as presiding officer during any part of a Council or Committee of the Whole meeting when he or she leaves the chair for any reason.
- 9.3 The presiding officer shall have and may exercise all the rights, power and authority and obligations of the Regional Chair under this bylaw.

## **10. DUTIES OF MEMBERS**

- General 10.1 No Member shall:
- (a) speak disrespectfully of any member of the Royal Family, the Governor General, the Lieutenant Governor of any Province, Council, any member municipality, any Member or any official or employee of the Region;
  - (b) use offensive words or unparliamentary language;
  - (c) engage in private conversation while in the Council meeting or use electronic devices including cellular phones, pagers and computers, in a manner which interrupts the proceedings of the Council;
  - (d) leave his or her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is

announced;

- (e) speak on any subject other than the subject under debate;
- (f) where a matter has been discussed in private session, and where the matter remains confidential, disclose the confidential matter or the substance of deliberations at a closed meeting, except to the extent that Council has previously released or disclosed the matter in public;
- (g) criticize any decision of Council except for the purpose of moving that the question be reconsidered; or
- (h) disobey the rules of Council or a decision of the Chair or of Council on questions of order or practice or upon the interpretation of the rules of Council. In case a Member persists in any such disobedience, after having been called to order by the Chair, the Chair shall not recognize that Member, except for the purpose of receiving an apology from the Member tendered at that meeting or any subsequent meeting.

### **11. DISCLOSURES OF PECUNIARY INTEREST**

Method of Disclosure

11.1 Where a Member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting at which the matter is the subject of consideration, the Member shall, in accordance with the *Municipal Conflict of Interest Act*:

- (a) prior to any consideration of the matter at the meeting, disclose the Member's interest and the general nature thereof;
- (b) not take part in the discussion of, or vote on any question in respect of the matter; and
- (c) not attempt in any way whether before, during or after the meeting to influence the voting on the matter.

Written statement

11.2 Members shall provide a written statement of the interest and its general nature to the Regional Clerk or designate either at the meeting in which the interest is disclosed or as soon as possible thereafter.

Closed Meetings

11.3 Where a meeting is not open to the public, in addition to complying with the requirements of the *Municipal Conflict of Interest Act*, the Member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.

Absence—  
Disclosure at  
Next Meeting

11.4 Where the interest of a Member has not been disclosed by reason of the Member's absence from a particular meeting, the Member shall disclose the Member's interest and otherwise comply at the first meeting of Council or Committee, as the case may be, attended by the Member after the particular meeting.

Record of  
Disclosure

11.5 The Clerk shall record in reasonable detail the particulars of any disclosure of pecuniary interest made by a Member, and this record shall appear in the Minutes or Report of that meeting.

11.6 The Regional Clerk shall maintain a registry of statements filed under Section 11.2 and records made under Section 11.5 of this Bylaw which shall be available for public inspection.

## **12. PUBLIC ACCESS TO MEETINGS**

Meetings Open  
to the Public

12.1 All meetings shall be open to the public except as provided for in Sections 12.2 and 12.3 and no person shall be excluded from a meeting open to the public except for improper conduct or for breach of this bylaw.

Closed Meetings  
Discretionary

- 12.2 A meeting may be conducted in private session if the subject matter being considered relates to:
- (a) the security of Regional property;
  - (b) personal matters about an identifiable individual, including a Regional employee;
  - (c) a proposed or pending acquisition or disposition of land by the Region;
  - (d) labour relations or employee negotiations;
  - (e) litigation or potential litigation including matters before administrative tribunals, affecting the Region;
  - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (g) a matter in respect of which Council has authorized a meeting to be in private session under statutory authority;
  - (h) information explicitly supplied in confidence to the Region by Canada, a province or territory or a Crown agency of any of them;
  - (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Region, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
  - (j) a trade secret or scientific, technical, commercial or financial information that belongs to the Region and has monetary value or potential monetary value; or
  - (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the Region; or
  - (l) the education or training of Members, provided that no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council.

Closed Meetings  
Mandatory

- 12.3 A meeting will be conducted in private session if the subject matter relates to an ongoing investigation respecting the Region by the Region's Ombudsman.

Prior Resolution 12.4 Prior to Council resolving into private session for one of the reasons noted in Sections 12.2 or 12.3, Council shall state by resolution:

- (a) the fact of holding the private session;
- (b) the general nature of the matter to be considered;
- (c) the specific provision under the Act under which each item is permitted to be considered in private session; and
- (d) where the purpose is for education or training, that the meeting is to be held in private session pursuant to Section 239(3.1) of the Act.

Open Votes 12.5 A meeting shall not be closed to the public during the taking of a vote.

Closed Votes 12.6 Despite Section 12.5, a meeting may be closed to the public during a vote if:

- (a) Sections 239(2) or 239(3) of the Act permits or requires a meeting to be closed to the public; and
- (b) the vote is for a procedural matter or for giving directions or instructions to officials, employees or agents of the Region, or persons retained by or under contract with the Region.

Record of Closed Meeting 12.7 The Clerk shall prepare a record of each private session held in Council or Committee, indicating:

- (a) the matter discussed;
- (b) the specific provision under the Act under which meeting in private session is permitted;
- (c) the Members in attendance;
- (d) the disposition of the matter;
- (e) the starting and concluding times for the private session; and
- (f) any other proceedings.

12.8 Section 20 does not apply to the record created under Section 12.7.

### **13. DEPUTATIONS**

Deputations Generally Before Committees 13.1 Deputants shall be directed by the Clerk to the appropriate Committee meeting, except where the deputant wishes to address Council with respect to a matter which will be put forward directly to Council without being considered firstly by a Committee or where the Chair, Chief Administrative Officer and/or the Clerk determines that the matter is of such an urgent nature that there is insufficient time to

direct the deputant to a Committee.

13.2 Where a deputant has made a deputation to a Committee, a further deputation request shall not be listed on the Council Agenda or the Revised Council Agenda.

Written Request 13.3 Every individual, organization or group wishing to address Council or a Committee shall notify the Clerk in writing providing an outline of the nature of the deputation at least 24 hours in advance of the meeting. The notice shall contain the name, mailing address and telephone number at which the individual or the organization or group may be contacted during normal business hours and shall contain an outline of the nature of the deputation to be made.

Right to Appear 13.4 Any person may, either on his or her own behalf, or as a representative of an organization or group, appear at any public meeting of Council or a Committee and address Council or a Committee with respect to any matter on the Agenda for that meeting.

13.5 Notwithstanding Section 13.4, all deputants at Council shall be heard only upon the consent of Council, except where there is a statutory right to be heard.

Address Presiding Officer 13.6 All deputants shall address the Chair from the lectern in the Council Chamber or from the presenter's table in the Committee Room, as the case may be and shall state their name and whom they represent.

Time - 5 Minutes 13.7 Unless otherwise permitted by a majority vote, deputants shall be limited to five (5) minutes for speaking at Council and at Committee or such other time period approved by Council or Committee at the meeting. If there is a group of people wishing to address Council or Committee with respect to a particular position on a particular issue, then Council or Committee may determine that the group shall be represented by one person or that the time limit shall be other than as stated above.

Questions 13.8 Notwithstanding Section 13.7, the time involved in receiving and answering questions from Council or Committee members shall not be deducted from the time limited for the deputation.

No Notice Where Matter on Agenda 13.9 For matters on the Agenda, notwithstanding Section 13.3, Council or a Committee may decide, by majority vote:

- (a) to hear the deputations, notwithstanding non-compliance with the requirements of those subsections;
- (b) to defer hearing deputations; or
- (c) to require, as a condition of hearing a deputation, the filing

of a written outline with the Clerk.

- Matter Not on Agenda 13.10 Where a matter to which an individual, organization or group wishes to speak before Council or a Committee is not on the Agenda of a meeting, the matter may be placed on the Agenda of the next meeting or the Agenda of the meeting at which the item will be considered.
- Behaviour 13.11 No deputant 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.
- Curtailment of Time 13.12 The Chair may curtail any deputation, any questions of a deputant or debate during a deputation for disorder or any other breach of this bylaw, and, if the Chair rules that the deputation is concluded, the person or persons appearing shall withdraw.
- Location 13.13 No person, except Members and authorized Regional staff shall be allowed to come within the Members' area during a Council meeting without permission of the Regional Chair or Council, or a Committee meeting without permission of the Regional Chair, Committee Chair or the Committee.
- Conduct 13.14 Members of the public who constitute the audience at a meeting, shall not:  
(a) address Council or Committee without permission;  
(b) bring food or beverages into the Council Chamber or meeting room unless so authorized;  
(c) bring signage, placards or banners into such meetings; or  
(d) engage in any activity or behaviour that would affect the Council or Committee deliberations.
- Expulsion 13.15 The Chair or the Committee Chair may cause to be expelled and excluded any member of the public who creates any disturbance or acts improperly during a meeting of Council or Committee. If necessary, the Chair or Committee Chair may call upon the appropriate assistance from security or police officers.

#### **14. RULES OF DEBATE**

- Recognition of Member 14.1 To address Council, a Member shall request to speak and be recognized by the Chair.
- Microphone 14.2 Prior to speaking to any question or motion, each Member shall engage his or her microphone.
- Order of Speakers 14.3 When two or more Members indicate their desire to speak at the same time, the Chair shall designate the order of speakers.
- Interruptions 14.4 When a Member is speaking, no other Member shall interrupt the Member speaking except to raise a point of order, privilege or personal privilege.
- Read Motion 14.5 Any Member may require a motion or question under discussion to be read at any time during the debate but not so as to interrupt the Member speaking.
- 5 Minutes 14.6 No Member shall speak for longer than five (5) minutes on a question without Council's permission.
- Speak Once 14.7 No Member shall speak more than once to the same question without Council's permission, except that a reply shall be permitted only from a Member who has presented the main motion.
- Questions 14.8 A Member may ask a question only for the purpose of obtaining information relating to the matter under discussion and the question shall be stated succinctly and asked only of the Regional Chair, the previous speaker, the Chief Administrative Officer or Commissioners, the Regional Solicitor, the Clerk, the Medical Officer of Health and their designates.
- Points of Order, Privilege 14.9 When a Member rises on a point of order, point of privilege or point of personal privilege, the Member shall ask leave of the Chair to raise the point. After leave is granted, the Member shall state the point to the Chair and then remain silent until the Chair has ruled upon the point.
- Regional Chair to Rule on Point 14.10 Subject to being overruled by Council on a vote which shall be taken immediately and without debate, the Chair shall rule on the point.
- Challenge 14.11 Any Member may challenge the ruling of the Chair immediately following the ruling.
- Decision Final 14.12 The Chair's ruling is final unless it is challenged.
- Idem 14.13 Council's decision is final if the Chair is challenged.

## **15. MOTIONS**

- 15.1 A motion in respect of a matter which is not within the jurisdiction of the Council shall not be in order and shall not be considered by the Council.
- Introduction of Additional Items 15.2 No Member shall introduce any item to Council for its consideration unless:
- (a) the item relates to a matter on the Agenda for that meeting; or
  - (b) the matter is of an urgent nature and leave is granted on a two-thirds majority vote.
- Oral Motions 15.3 The following may be introduced orally without written notice and without leave of Council:
- (a) a point of order, privilege or personal privilege;
  - (b) presentation of petitions;
  - (c) a motion to waive or suspend the rules of procedure;
  - (d) a procedural motion;
  - (e) a simple amendment; or
  - (f) a motion to adopt a recommendation.
- Written Motions 15.4 Except as provided in Section 15.3, all motions shall be in writing. The Chair may require that any amendment be in writing signed by the mover and the seconder in Council or signed by the mover in a Committee.
- Must be Seconded 15.5 A motion in Council shall be moved and seconded before the Chair shall put the question and the motion is recorded in the minutes of the meeting.
- Mover May Vote in Opposition 15.6 A Member may move a motion in order to initiate discussion and debate and that Member may vote in opposition to the motion. A seconder of a motion may vote against the motion.
- Withdrawal 15.7 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.

## **16. SPECIFIC MOTIONS**

- Recess 16.1 A motion to recess is not debatable, shall specify the length of the recess, and may only be amended with respect to the length of the recess.
- Adjourn 16.2 A motion to adjourn the Council meeting is not debatable and shall

always be in order except:

- (a) when another Member is in possession of the floor;
- (b) when a vote has been called;
- (c) when the Members are voting; or
- (d) when a Member has indicated to the Chair his or her desire to speak on the matter before Council.

16.3 A motion to adjourn and amendments thereto shall take precedence over any other motion and shall be put immediately without debate.

Call the Question

16.4 A motion to call the question is not debatable and shall be put immediately.

16.5 A Member who moved a motion to call the question shall not be allowed to speak to the question again if the motion is decided in the negative.

Motion to Table

16.6 A motion to table shall not be amended or debated and shall apply to the motion and any amendments under debate when the motion to table is made.

16.7 If the motion to table carries, in the absence of any direction from Council, the matter may not be discussed until the Chief Administrative Officer, or a Member through a Notice of Motion, brings it forward to a subsequent meeting.

Refer

16.8 A motion to refer and any amendment to it is debatable and shall include:

- (a) the name of the Committee or official to whom the motion or amendment is to be referred; and
- (b) the terms upon which it is to be referred and the time or period, if any, on or within which the matter is to be returned.

Defer

16.9 A motion to defer and any amendment to it is debatable and shall include:

- (a) the time to or period within which, consideration of the matter is to be deferred; and
- (b) whatever explanation is necessary to demonstrate the purpose of the motion to defer.

Amendment

16.10 A motion to amend is debatable.

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

Receive

16.12 A motion to receive, moved after the main motion, is debatable and

shall be treated as an amendment to the main motion.

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|-------------------------------------|-------|--|
| Substantive Motion                  | 16.13 | An amendment shall be out of order if it is ruled by the Chair to be a substantive motion and not an amendment.  |
| Cannot be Contrary                  | 16.14 | An amendment which, in effect, is nothing more than a rejection of the main motion is not in order.  |
| Consider Matter Previously Deferred | 16.15 | A motion that Council consider a matter previously deferred indefinitely or to a time or eventuality which has not yet been reached or occurred, is debatable and shall be presented only if Council so decides, by a two-thirds majority vote.  |
| Reconsideration                     | 16.16 | Subject to Sections 16.18 and 16.19, no question, after it has been decided, shall be reconsidered within one year following the decision of Council unless Council decides to do so by a two-thirds majority vote. Any reconsideration that occurs after this one-year period requires a majority vote. |
| Must Have Voted with the Majority   | 16.17 | After any question has been decided, any Member who voted thereon with the majority or, where a two-thirds-majority vote is required, voted with the two-thirds majority, may make a motion to reconsider the question.  |
| Requires Two-Thirds                 | 16.18 | A motion to reconsider may not be introduced without notice, unless Council, without debate, dispenses with notice on a two-thirds majority vote.  |
| Reconsideration Idem                | 16.19 | A motion to reconsider is debatable.   |
|                                     | 16.20 | No discussion of the main question shall be allowed until the motion for reconsideration is carried.   |
|                                     | 16.21 | Once the question is reopened, it is reopened in its entirety unless the reopening motion specifies otherwise.   |
|                                     | 16.22 | If the question is reopened, all previous decisions of Council remain in force unless Council decides otherwise.   |
|                                     | 16.23 | No motion to reconsider may, itself, be the subject of a motion to reconsider.   |

## **17. NOTICES OF MOTION**

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|------------------|------|---|
| Jurisdiction     | 17.1 | A notice of motion in respect of a matter which is not within the jurisdiction of Council shall not be in order and shall not be considered by Council. |
| Timing of Notice | 17.2 | A notice of motion shall be in writing and shall include the name of  |

the mover and seconder. It shall be received by the Clerk prior to 2:00 p.m. on the fifth business day preceding a regular meeting for inclusion in the Agenda for that meeting of Council and, subject to Section 18.5, for each succeeding meeting until the Motion is considered or otherwise disposed of.

Agenda  
Materials

17.3 The Clerk shall include in the Agenda materials any reports from Regional staff relating to a notice of motion submitted in accordance with Section 18.2.

Committees

17.4 Any notice of motion, the subject matter of which falls within the mandate of a Committee, shall be referred directly to that Committee by Council unless Council determines that it should not be first considered by the Committee, for reasons of emergency, health, safety or legal deadline.

17.5 After a notice of motion is moved at the Council meeting or placed on the Council Agenda 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.

Future Agendas

17.6 All notices of motion on the Agenda and not disposed of shall be placed on the Agenda for the next regular meeting of Council.

Not Proceeded  
With

17.7 When a notice of motion has been on the Agenda for two consecutive meetings after notice has been given, and not proceeded with, it shall be dropped from the Agenda and deemed withdrawn unless Council decides otherwise.

## **18. VOTING**

Order of Votes

18.1 Motions relating to an item under consideration shall be voted on in the following order:

- (a) a motion to waive or suspend the rules of procedure;
- (b) a motion to adjourn;
- (c) a motion to recess;
- (d) a motion to call the question;
- (e) a motion to receive an item;
- (f) a motion to defer;
- (g) a motion to refer;
- (h) a motion to amend;
- (i) a motion to table an item; and
- (j) the main motion.

- Members Must Vote 18.2 Every Member present at a meeting of Council where a question is put shall vote on the question, unless prohibited by statute, in which case the Clerk shall so record.
- Method of Voting 18.3 A Member shall vote by raising a hand or otherwise indicating the Member's vote, except where a recorded vote is requested in Council. The Chair shall announce the result of all votes taken.
- Actions During Vote 18.4 When the Chair calls for the vote on a question, a) each Member shall occupy his or her seat and shall remain in place until the result of the vote has been declared by the Chair, and b) during this time no Member shall walk across the room or make any other motion or speak to the question or any other Member or make any noise or disturbance.
- Split Votes 18.5 Upon the request of any Member, and when the Chair is satisfied that a matter under consideration contains distinct proposals, the vote upon each proposal shall be taken separately.
- 18.6 A vote on the main motion, as amended, may be split only for the purpose of complying with the *Municipal Conflict of Interest Act*.
- No Vote Deemed Negative 18.7 If any Member present does not vote at a meeting of Council where a question is put and a recorded vote taken, he or she shall be deemed to vote in the negative except where the Member is prohibited from voting by statute.
- Majority Vote 18.8 All decisions of Council shall require a majority vote except as otherwise set out in this bylaw.
- Equality of votes 18.9 Any motion that receives a tie vote shall be deemed to have been decided in the negative.

- Two-Thirds 18.10 The following decisions of Council require a two-thirds majority vote:
- (a) a motion to consider a matter other than one that is set out in a Notice of Special Meeting under Section 5.4 of this bylaw;
  - (b) a motion to consider a matter previously deferred indefinitely or to a time or eventuality that has not been reached or occurred under Section 16.15 of this bylaw;
  - (c) a motion to reconsider a question decided within the previous year under Section 16.16 of this bylaw;
  - (d) a motion to waive notice in respect of a notice of motion;
  - (e) a motion to consider a substantive matter not appearing on the Agenda for the meeting; and
  - (f) a motion to suspend the provisions of this bylaw under Section 24.1 of this bylaw.

- Recorded Vote 18.11 A request by a Member for a recorded vote shall be made immediately prior to the commencement of the vote being taken or immediately subsequent to the taking of the vote.
- 18.12 When a recorded vote is requested by a Member, the Clerk shall record the name and vote of every Member on any question.
- 18.13 The Clerk shall call and Members shall indicate or announce their vote in order of their surnames, beginning with the Member who requested the recorded vote.

- Chair to Announce Results of Vote 18.14 The Chair shall announce the result of the vote.

- Request for Further Vote 18.15 If a Member doubts the results of a vote as announced by the Chair, the Member may call for the vote to be taken again and the Chair shall request that the Members vote again.

## **19. BYLAWS**

- One Motion 19.1 The adoption of every bylaw presented to Council, with the exception of the Confirmatory Bylaw, may be the subject of one motion.

- Separate Vote 19.2 By request of any Member, any bylaw(s) may be discussed or voted on individually.

- Form 19.3 Every bylaw when introduced shall be in typewritten form and shall comply with the provisions of any relevant legislation.

- Previous Council Approval 19.4 No bylaw, except a bylaw to confirm the proceedings of Council, shall be presented to Council unless its subject matter has been approved

by Council.

- Confirmatory 19.5 The proceedings at every meeting of Council shall be confirmed by bylaw so that every decision of Council at that meeting of Council and every resolution thereof shall have the same force and effect as if each and every one of them had been the subject matter of a separate bylaw duly enacted.
- Amendments 19.6 All amendments to any bylaws approved by Council shall be deemed to be incorporated into the bylaw and if the bylaw is enacted by Council, the amendments shall be inserted by the Clerk.
- Authentication 19.7 Every bylaw enacted by Council shall be signed by the Regional Chair or by the Presiding Officer in the Regional Chair's absence, and by the Clerk. The corporate seal shall be affixed to the bylaw and the bylaw shall be numbered, dated and deposited in the Clerk's Office.

## **20. MINUTES OF COUNCIL**

- Content 20.1 The Minutes of Council meetings shall record:
- (a) the place, date and time of meeting;
  - (b) the name of the Chair or Presiding Officer and the attendance of the Members and senior staff; and
  - (c) each item considered by Council and the decisions of the meeting without note or comment.
- Approval 20.2 The Minutes of each Council meeting shall be presented to Council for approval at the next regular meeting.
- Signature 20.3 After the Council Minutes have been approved by Council, they shall be signed by the Regional Chair and Clerk.

## **21. COMMITTEE OF THE WHOLE**

- Regular Meetings 21.1 Committee of the Whole shall hold two meetings per month, beginning at 9 a.m. in the York Region Administrative Centre, 17250 Yonge Street, Newmarket, Ontario, in accordance with the schedule adopted annually by Council, except:
- (a) when otherwise directed by resolution of Council; or
  - (b) when the Regional Chair advises otherwise upon a minimum of 48 hours' notice, provided that this notice shall not be required in an emergency.
- Special Meetings 21.2 The Regional Chair may, at any time, summon a Special Meeting of Committee of the Whole by providing written direction to the Clerk to

issue a Notice of Special Meeting. Upon the receipt of a petition of the majority of the Members of Committee, the Clerk shall summon a Special Meeting for the purpose and at the time noted in the petition.

- Structure 21.3 Committee of the Whole meetings shall be divided into sections that reflect the Region's Commissions.
- Delegated Hearing or Meeting 21.4 Where any statute confers a right to be heard by Council before the passing of a bylaw, or where Council by statute is required to hold a public meeting before the passing of a bylaw, such meeting or hearing may be held at the section of the Committee of the Whole meeting having jurisdiction over the subject matter of the bylaw.
- Urgent Matter 21.5 In a case of urgency, a matter that would normally be considered by a section of Committee of the Whole may be brought to another section of Committee of the Whole, as authorized by the Regional Chair.
- Procedure 21.6 The rules governing the procedure of Council and the conduct of Members shall be observed in Committee of the Whole so far as they are applicable, provided that:
- (a) a motion shall not be required to be seconded;
  - (b) no recorded vote shall be taken;
  - (c) the number of times of speaking shall not be limited unless a Member moves to call the question;
  - (d) no Member shall speak more than once until every Member who desires to speak has spoken;
  - (e) a majority vote shall be required to decide any matter before the Committee of the Whole; and
  - (f) the Regional Chair and Chair and Vice Chair of sections may vote on all motions.
- Chair and Vice Chair 21.7 The Regional Chair shall open each meeting and preside over presentations, deputations and any closed session portion of the meeting.
- 21.8 Each section of the Committee of the Whole shall be chaired by the Member appointed by Council as the Chair of the section.
- 21.9 The Vice Chair, appointed by Council, shall chair the pertinent Committee of the Whole section in the absence of the Chair of the section.
- 21.10 The Regional Chair is not eligible to be Chair or Vice Chair of a section.
- Agenda 21.11 The Clerk, subject to such changes as may be appropriate in the circumstances, shall prepare for distribution Committee of the Whole

agendas with the order of business for regular meetings to be as follows:

- (a) Disclosures of Interest;
- (b) Presentations;
- (c) Deputations;
- (d) Applicable Section - Communications;
- (e) Applicable Section - Reports;
- (f) Repeat (d) and (e) as required;
- (f) Other Business;
- (g) Private Session;
- (h) Reconvene in Public Session; and
- (i) Adjournment

Notices and  
Agendas to  
Members

21.12 Any matter which is within the Committee of the Whole's terms of reference and which is not on the Committee of the Whole Agenda or does not relate to a matter on the Agenda may be considered by the Committee of the Whole if it agrees to consider it by a majority vote.

Reports /  
Communications  
to be Considered

21.13 The Committee of the Whole shall consider reports or communications from the Regional Chair, Committees, the Chief Administrative Officer, Commissioners, the Regional Solicitor, the Regional Clerk, the Auditor, the Chief Planner, the General Managers of Housing York Inc. and YTN Telecom Network Inc., or their designates.

Late  
Communications

21.14 Any communication to Committee of the Whole from members of the public, received prior to a meeting of the committee but not in sufficient time for inclusion with its Agenda, shall be reviewed by the Clerk, and

- (a) if the communication is deemed by the Clerk to pertain to a matter listed on the Agenda, it shall be submitted as an additional item for that meeting;
- (b) if the communication is deemed by the Clerk not to pertain to a matter listed on the Agenda, it shall be included on the Agenda for a subsequent meeting, unless the Regional Chair directs that it be submitted as an additional item at the meeting for which it was submitted, in which case the Committee shall determine whether or not it will consider it at that meeting or defer its consideration to a subsequent meeting; and
- (c) if the communication is deemed by the Regional Chair or Clerk to require special study by Committee of the Whole, or one or more reports thereon from any Regional official, it

shall be placed on the Agenda for a subsequent regular meeting of Committee of the Whole, unless the Regional Chair is of the opinion that urgency requires that the communication be dealt with at the meeting for which it was submitted as an additional item.

21.15 If the communication is, in the opinion of the Regional Chair or Clerk, of a nature which may require advance consideration by a Regional official or any other official or body, a copy of it shall be forwarded to the official or body concerned, and the official or body is authorized to submit a report which may be considered by the Committee whether or not it is included with a regular Agenda.

Quorum

21.16 Quorum for Committee of the Whole shall be 11 Members, including the Regional Chair.

Loss of Quorum  
During Meeting

21.17 If no quorum is present thirty (30) minutes after the time appointed for a meeting, the Clerk shall record the names of the Members present, the meeting shall stand adjourned until the next meeting and all business will be deferred until that meeting. If the Members who are present at the time remain until a quorum is present, then the meeting shall proceed.

21.18 If a quorum is lost during a meeting then the Chair shall, upon determining that a quorum is not present, request the Clerk to call for a quorum for a period of fifteen (15) minutes, or until a quorum is present, whichever is sooner.

21.19 If there is still no quorum after fifteen (15) minutes, the meeting shall stand adjourned and the Clerk shall record the names of the Members present. In this case, all unfinished business shall be carried forward to the next meeting.

Receipt of  
Submissions  
Without Quorum

21.20 Notwithstanding any of the above provisions, Committee may receive submissions or information from the public or staff on a matter when a quorum is not present so long as they are not with regard to a public hearing or meeting required by statute.

Informal  
Information and  
Submissions

21.21 Should a meeting be adjourned for lack of quorum and if there are matters of business that are deemed by the Regional Chair or Chief Administrative Officer to be urgent or critical to be presented to the next meeting of Council, these matters may be placed on the Council Agenda as a report by the Commissioner or by the Committee of the Whole acting without a quorum. A report of the Committee of the Whole acting without quorum shall not contain any recommendations by the Committee of the Whole. Otherwise, the items of business will be scheduled to be considered at the next meeting of the Committee.

Absence of  
Chair  
and Vice Chair

21.22 In the event of the section Chair not being in attendance at the Committee of the Whole at which he/she is to preside, the section Vice Chair shall preside until the arrival of the section Chair. Should

the section Vice Chair not be in attendance at the meeting then those Members in attendance shall appoint one of the Members to act in the place and stead of the section Chair and Vice Chair for that meeting. Such Member shall preside until the arrival of the section Chair or the section Vice Chair.

- Acting Chair 21.23 The Chair of a Committee of the Whole section may appoint another Member to act as Chair of the section while he or she is speaking to a question or is temporarily absent from the meeting.
- Recommendations to Council 21.24 The Committee of the Whole shall make its recommendations to Council with regard to each report that it considers.
- Committee Reports 21.25 All items considered by the Committee of the Whole shall be forwarded to the Council in the form of a Committee Report, and only motions that carry shall be reported in the Committee recommendations.
- Reconsideration 21.26 The Committee of the Whole shall not reconsider any question decided by Council within a year after the Council decision nor consider any other matter which could involve a decision inconsistent with a Council decision.

## **22. AUDIT COMMITTEE**

- Committee Procedures 22.1 The rules governing the procedure of Committee of the Whole shall apply to the Audit Committee so far as they are applicable and, subject to the specific rules set out in this section, including:
- (a) the Audit Committee shall meet at least twice per year;
  - (b) the Chair and Vice Chair of the Audit Committee shall be elected annually at the first meeting.

## **23. OTHER COMMITTEES**

- 23.1 The following sections apply to all Committees other than the Committee of the Whole.
- Committee Procedures 23.2 The rules governing the procedure of Council and the conduct of Members at Council shall be observed in all Committees so far as they are applicable, and, subject to the specific rules for Committees set out in this section, including:
- (a) a motion shall not be required to be seconded;
  - (b) no recorded vote shall be taken;
  - (c) the number of times of speaking on any question shall not be limited;

- (d) no Member shall speak more than once until every Member who desires to speak has spoken;
- (e) a majority vote shall be required to decide any matter before the Committee; and
- (f) the Committee Chair or Acting Chair may vote on all motions.

Regional Chair's Vote and Determining Quorum      23.3      The Regional Chair shall be an ex-officio member of each Committee and shall be counted for quorum purposes and entitled to vote at such meetings.

23.4      The Regional Chair, when present, shall be counted in making the quorum but not in determining the number of Members of a Committee.

Regional Chair-Idem      23.5      The Regional Chair shall not be eligible to be the Chair or Vice Chair of a Standing Committee.

Term of Office      23.6      In the absence of a decision by the Council to the contrary or to terminate an appointment, Members shall be appointed to Committees by Council for the term of Council or for the term set out in such appointment, and, until their successors are appointed, unless otherwise provided by law.

Members' Rights      23.7      Members who are not members of a specific committee may attend meetings of that committee and may, with consent of the Chair of that Committee, take part in the discussion, but shall not be counted in the quorum or entitled to make motions or to vote at these meetings.

Election of Committee Chair      23.8      Where Members are appointed to a Committee for the term of Council, the Clerk or his or her designate shall preside at the first meeting of each Committee in each calendar year for the purpose of electing a Chair of that Committee. This shall be done on a calendar year basis.

Chair and Vice Chair of Standing Committee      23.9      Each Committee shall, at the first meeting of the Committee in each year of the term of Council, choose from its Members a Committee Chair and a Vice Chair to serve in those positions for the calendar year or until their successors are appointed.

Exceptions for Accessibility Advisory Committee      23.10      The Chair of the Accessibility Advisory Committee shall remain the Chair for the length of the term of Council.

23.11      At the first meeting of the Accessibility Advisory Committee in each year of the term of Council, the Committee shall choose from its Members a Vice Chair to serve in that position for the calendar year or until his or her successor is appointed.

Meetings      23.12      No Committees shall meet while Council or Committee of the Whole

is in session.

Quorum

23.13 Subject to section 23.4, a quorum of a Committee of Council shall be calculated on the basis of a majority of the Members of Committee unless the Committee is comprised of an equal number, in which case, the quorum is one-half of the Members of the Committee. For this purpose the number of Members of the Committee shall include all of its Members with the exception of the Regional Chair within his or her ex officio capacity.

23.14 A Committee may receive submissions or information from the public or staff on a matter when a quorum is not present so long as they are not with regard to a public hearing or meeting required by statute.

Special  
Committees

23.15 Council may constitute a Special Committee, which, at the option of Council, may be termed a Task Force, to consider and report on a specific subject, project or undertaking. When a Special Committee has been appointed by Council, Council shall, by resolution, name the Members of that Special Committee and who is to act as Committee Chair for the duration of the term of Council or until the Special Committee's final report. When a Special Committee has completed its work and made its final report to Council, the Special Committee shall be deemed to be discharged. The Regional Chair shall be ex-officio a Member of all Special Committees and shall have a vote at these Special Committees.

Motion to  
Discharge

23.16 Where a question has been referred or a task has been assigned to a Special Committee and the Special Committee has not as yet made its final report to Council and a Member desires to take the matter out of the Committee's hands, either to permit Council itself to consider or act on the matter or so that the matter may be dropped, such action may be proposed by means of a notice of motion in Council to discharge the Committee.

Deemed  
Discharge

23.17 Special Committees, which have been established but do not convene and report to the Committee of the Whole or Council for a period of ten (10) consecutive months, shall be deemed to have been discharged.

Terms of  
Reference of  
Special  
Committees and  
Sub-Committees

23.18 Any recommendation to establish a Special Committee or sub-committee shall include its terms of reference outlining:

- (a) its membership;
- (b) the matters to be dealt with; and
- (c) when the matters will be reported on.

Sub-Groups

23.19 No sub-groups of Special Committees or sub-committees shall be established without approval by Council.

**24. SUSPENSION OF BYLAW PROVISIONS**

Two-Thirds      24.1      A motion to suspend or not to follow a rule of procedure established by this bylaw shall not be passed without a two-thirds majority vote.

**25. AMENDMENTS TO BYLAW**

Majority Vote      25.1      This bylaw shall not be amended or repealed except by a majority vote of Council.

25.2      No amendment or repeal of this bylaw shall be considered at any meeting of the Council unless notice or a report pertaining to the proposed amendment or repeal was listed on Council's Agenda.

**26. CONFLICT**

Conflict with Statute      26.1      If there is any conflict between this bylaw and any statute, the provisions of the statute prevail.

**27. ENACTMENT**

Repeal      27.1      Bylaw No. 2014-81 and all amendments to it are repealed.

Effective Date      27.2      This bylaw shall come into force on the date of its enactment.

ENACTED AND PASSED this xx day of April, 2018

\_\_\_\_\_  
Regional Clerk

\_\_\_\_\_  
Regional Chair