

**By-law Number 65-2022**  
**of The Regional Municipality of Durham**

Being a by-law to govern the proceedings of council and its committees, the conduct of its members, and the calling of meetings.

Whereas Section 238 (2) of the Municipal Act, 2001 as amended requires Council to pass a procedure by-law governing the calling, place and proceedings of meetings.

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. That "Schedule A" to this By-law be approved as the rules and procedures governing the proceedings of Council, Committee of the Whole, Standing Committees and Advisory Committees.
2. The short title of this By-Law is the "Procedural By-Law," "Procedure By-law" or the "Rules of Procedure".
3. That this By-law shall be administered by the Clerk.
4. That By-law 44-2018, as amended, be repealed.

This By-law Read and Passed on the 21st day of December, 2022.

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J. Henry, Regional Chair and CEO

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A. Harras, Regional Clerk

# Schedule A – Rules of Procedure

## Index

<b>1. Definitions</b>	<b>4</b>
<b>2. Application &amp; Suspension of Rules</b>	<b>6</b>
<b>3. General Principles</b>	<b>6</b>
<b>4. Powers &amp; Duties of the Regional Chair</b>	<b>7</b>
4.1 Legislative Duties	7
4.2 Participation at Meetings	7
4.3 Regional Spokesperson	7
<b>5. Powers &amp; Duties of the Acting Chair</b>	<b>8</b>
5.1 Appointment	8
5.2 Presiding in Absence of Regional Chair	8
5.3 No Alternates as Acting Chair	8
<b>6. Powers &amp; Duties of the Clerk</b>	<b>9</b>
6.1 General Duties	9
6.2 Agendas	9
6.3 Minutes	9
6.4 Committee Reports	9
6.5 Procedural Advice	10
6.6 Corrections & Administration	10
<b>7. Meetings</b>	<b>11</b>
7.1 Place of Regular Meetings	11
7.2 Schedule of Regular Meetings	11
7.3 Public Notice of Regular Meetings	11
7.4 Special Meetings	12
7.5 Emergency Meetings of Council	12
7.6 Change of Date, Time or Location of Meetings	13
7.7 Cancellation of Meetings	13
7.8 Addendum	14
7.9 Duties of Meeting Chair	14
7.10 Electronic Participation	15
7.11 Recording, Broadcasting and Livestreaming	15
<b>8. Closed Meetings</b>	<b>16</b>
<b>9. Quorum</b>	<b>17</b>
9.1 Quorum Requirements	17
9.2 Absence of Quorum	17
9.3 Lost Quorum	17
<b>10. Council Proceedings</b>	<b>18</b>
10.1 Order of Business	18
10.2 Call to Order & Traditional Territory Acknowledgment	18
10.3 Roll Call	19
10.4 Declarations of Pecuniary Interest	19
10.5 Adoption of Minutes	20
10.6 Presentations	20
10.7 Delegations	20

10.8	Communications.....	22
10.9	Reports Related to Presentations/Delegations.....	22
10.10	Committee Reports .....	23
10.11	Departmental Reports & Other Resolutions .....	23
10.12	Notice of Motions.....	24
10.13	Unfinished Business.....	24
10.14	Announcements .....	24
10.15	By-Laws.....	24
<b>11.</b>	<b>Council Information Package.....</b>	<b>25</b>
11.1	Publication Schedule.....	25
11.2	Contents.....	25
11.3	Items pulled to Standing Committee or Council.....	25
<b>12.</b>	<b>Rules of Debate.....</b>	<b>26</b>
<b>13.</b>	<b>Conduct at Meetings.....</b>	<b>27</b>
<b>14.</b>	<b>Points of Order and Privilege.....</b>	<b>28</b>
14.1	Point of Order.....	28
14.2	Point of Privilege .....	28
<b>15.</b>	<b>Motions .....</b>	<b>29</b>
15.1	Motions in Writing.....	29
15.2	Notice of Motion .....	29
15.3	Seconding .....	29
15.4	Presentation of Motion by Chair .....	29
15.5	Motions Beyond Jurisdiction of Council.....	29
15.6	Withdrawal of Motion.....	30
15.7	Disposition of Motions .....	30
15.8	Motion to Receive for Information.....	30
15.9	Motion to Amend .....	30
15.10	Motion to Call the Vote .....	31
15.11	Motion to Refer.....	31
15.12	Motion to Defer.....	31
15.13	Motion to Table.....	32
15.14	Motion to Divide.....	32
15.15	Motion to Reconsider .....	33
15.16	Motion to Re-Introduce a Defeated Motion.....	33
15.17	Motion to Rescind.....	34
15.18	Motion to Change the Order of Business .....	34
15.19	Motion to Suspend the Rules of Procedure.....	34
15.20	Motion to Recess.....	35
15.21	Motion to Adjourn .....	35
<b>16.</b>	<b>Voting.....</b>	<b>36</b>
16.1	Majority Rules.....	36
16.2	Members Present Shall Vote.....	36
16.3	Procedures During Voting .....	36
16.4	Members Considered Absent.....	36
16.5	Tied Vote.....	36
16.6	Unrecorded Vote .....	36
16.7	Recorded Vote .....	37
<b>17.</b>	<b>Standing Committees .....</b>	<b>38</b>

17.1	Composition .....	38
17.2	Matters within Standing Committee Jurisdiction .....	38
17.3	Presiding Officers .....	38
17.4	Order of Business in Committee of the Whole.....	39
17.5	Order of Business in Standing Committees.....	39
17.6	Committee Procedures.....	40
<b>18.</b>	<b>Advisory Committees .....</b>	<b>40</b>
<b>19.</b>	<b>Appendices.....</b>	<b>40</b>

## 1. Definitions

1.1 In these procedures,

- (a) "Act" means the Municipal Act, S.O. 2001, c. 25, as amended;
- (b) "Acting Chair" means the Member appointed to act from time to time in the place and stead of the Chair under Section 242 of the Act;
- (c) "Alternate Council Member" means a Lower-Tier Council Member who has been appointed by the lower-tier council to act as a substitute member on Regional Council when another member of that lower-tier Council is unable to attend a Regional Council meeting.
- (d) "Chair" means the person presiding at a meeting;
- (e) "Clerk" means the Clerk of the Regional Corporation;
- (f) "Closed Meeting" means a meeting, or part of a meeting, which is closed to the public as permitted by the Act, also referred to as an "in-camera meeting";
- (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, including a Standing or Special Committee of Council;
- (h) "Committee Chair" means the Chair of a Standing or Special Committee of Council;
- (i) "Committee of the Whole" means all the Members of the Council present sitting in Committee of the Whole;
- (j) "Committee Report" means a report from Committee of the Whole or a Special or Standing Committee of Council outlining the recommendations approved by the Committee and being forwarded to Council for its consideration;
- (k) "Committee Vice-Chair" means the Vice-Chair of a Standing or Special Committee of Council;
- (l) "Council" means the Council of the Regional Corporation;
- (m) "Departmental Report" means a report from staff of the Regional Corporation submitted to Members of Council and included on an agenda for a Council or Committee meeting or included in the Council Information Package;
- (n) "Majority Vote" means an affirmative vote of more than one half of the Members present and voting;

- (o) "Meeting" means any regular, special or other meeting of Council, or of a local board or a committee of either of them, where a quorum of members is present and where members discuss or otherwise deal with matters in a way that materially advances the business or decision making of the relevant body;
- (p) "Member" means a Member of the Council, or an alternate appointed under Sections 267 or 268 of the Act while in attendance at the meeting;
- (q) "Members" mean the Members of the Council, including any alternates appointed under Sections 267 or 268 of the Act while in attendance at the meeting;
- (r) "Motion" means a proposal moved by a Member and seconded by another Member, for the consideration of Council or a Committee;
- (s) "Point of Order" means a question raised by a Member drawing attention to the proper application of these procedures;
- (t) "Point of Privilege" means a concern raised regarding the health, safety, rights, and/or integrity of a Member, the Council, a Committee or anyone present at a meeting;
- (u) "Privileged Motion" means any motion which may interrupt the proceedings of a meeting;
- (v) "Recorded Vote" means the making of a record of the name and the vote of each Member who votes on a motion;
- (w) "Regional Chair" means the Head of Council;
- (x) "Regional Corporation" means The Regional Municipality of Durham;
- (y) "Resolution" means a motion that has been adopted by Council;
- (z) "Rules of Procedure" means the rules set forth in this document;
- (aa) "Subsidiary Motion" means any motion that assists in disposing of a Substantive Motion;
- (bb) "Substantive Motion" means any motion that brings business before Council or Committee and may also be referred to as a main motion;
- (cc) "To Defer" means to postpone all discussion or action on a matter until a future date or time, which is established as part of the motion;
- (dd) "To Refer" means to direct a matter under discussion to Council, a Standing Committee, staff, or another Committee for further consideration or review;

- (ee) "To Table" means to postpone a matter without setting a future date or time for consideration and for which consideration may be resumed at any time by a motion to lift from the table;
- (ff) "Two-Thirds Majority Vote" means an affirmative vote of at least two-thirds of the Members present and voting;
- (gg) "Website" means the official internet website of the Regional Corporation.

## **2. Application & Suspension of Rules**

- 2.1 These Rules of Procedure shall be observed in all proceedings at meetings of Council and, where applicable, in Standing Committee or Committee of the Whole meetings.
- 2.2 The Rules of Procedure may be suspended by a Two-Thirds Majority Vote, with the exception of sections 7.10, 7.11, 8 and 9, and any rule which is required to be followed by law.
- 2.3 In any case for which provision is not made in these procedures, the procedure to be followed shall be determined by the Chair, subject to an appeal to Council on a point of order.

## **3. General Principles**

- 3.1 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:
  - (a) The majority of Members have the right to decide;
  - (b) All Members have the right to be heard;
  - (c) All Members have the right to information to help make decisions;
  - (d) All Members have a right to an efficient meeting;
  - (e) All Members have the right to be treated with respect and courtesy; and
  - (f) All Members have equal rights, privileges, and obligations.
- 3.2 Council is the deliberative body from which all decisions and authority originate. Council may consider any matter without it being first addressed by a Committee, and may withdraw a matter from a Committee at any time for consideration by Council.

## **4. Powers & Duties of the Regional Chair**

### **4.1 Legislative Duties**

- (a) The Regional Chair shall carry out the responsibilities set forth in sections 225 “Role of head of council”, and 226.1 “Head of council as chief executive officer”, in the Act.
- (b) The Regional Chair shall authenticate by their signature all duly adopted by-laws of the Regional Corporation.

### **4.2 Participation at Meetings**

- (a) The Regional Chair shall serve as the Chair of all meetings of Council and Committee of the Whole.
- (b) The Regional Chair shall, by virtue of their office, be a member of all Committees with the same rights and privileges as all other members, including the right to vote and participate in debate, but shall not be eligible to be the Chair or Vice-Chair of a Standing Committee.

### **4.3 Regional Spokesperson**

- (a) The Regional Chair shall act as a spokesperson for the Region and coordinate the presentation of the Region's position to the public and to other external public bodies, agencies and organizations.
- (b) The Regional Chair shall represent and support the Council, declaring Council's will and implicitly obeying its decision in all things, and perform other duties when directed to do so by a resolution of Council.



## **5. Powers & Duties of the Acting Chair**

### **5.1 Appointment**

- (a) The Council shall appoint, in alphabetical order of the area municipalities on a rotating basis, the head of each area municipality for a term of three months, to act in the place and stead of the Regional Chair when they are absent, refuses to act or the office is vacant, as it pertains to the role of presiding at meetings.

### **5.2 Presiding in Absence of Regional Chair**

- (a) While presiding over a meeting of Council, the Acting Chair or Member appointed to preside over a meeting has and may exercise all the rights, powers and authority of the Regional Chair under these procedures.
- (b) The Regional Chair may state relevant facts and the Chair's position or advise on any matter before Council without vacating the chair, but the Acting Chair shall assume the chair when the Regional Chair is temporarily absent from the meeting, is taking part in debate on a motion or is presenting a motion.

### **5.3 No Alternates as Acting Chair**

- (a) At no time shall an Alternate Council Member be permitted to serve as the Acting Chair. If an Alternate Council Member is substituting for the Councillor who is the Acting Chair for that specified period, then the procedures outlined in section 10.2(c) shall be followed.

## **6. Powers & Duties of the Clerk**

### **6.1 General Duties**

- (a) The Clerk shall carry out the responsibilities set forth in section 228 (1) of the Act. The Clerk shall be responsible for the management and coordination of Council, Committee of the Whole, Standing Committees, and special Committee meeting agendas and related resolutions, by-laws, correspondence and records, and allow for public access to the same in accordance with the Act, the Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990 c. M. 56, and other pertinent legislation.

### **6.2 Agendas**

- (a) For each meeting of Council, Committee of the Whole, Standing Committees, and any special Committees established by Council as required, the Clerk or their designate shall prepare an agenda with a list of the items set out in the order of business for that meeting.

### **6.3 Minutes**

- (a) The Clerk or their designate shall attend all Meetings of Council, Committee of the Whole, Standing Committees, and special Committees as required to take minutes and keep a record of all proceedings, and such minutes shall include at minimum and as applicable:
  - i. the place, date, and time of the meeting;
  - ii. the names of the presiding officer or officers and the record of the attendance of the Members, including the nature of any absences if the Clerk or their designate is advised in advance of the meeting or within 24 hours of the termination of the meeting;
  - iii. the names of senior Regional staff in attendance;
  - iv. the reading, if requested by a majority of Members present and voting;
  - v. any corrections, if necessary;
  - vi. the adoption of the minutes of the previous meeting;
  - vii. any declarations of pecuniary interest; and
  - viii. all other proceedings at the meeting, without note or comment.

### **6.4 Committee Reports**

- (a) The Clerk shall ensure that Standing Committee Reports are put forward such that the recommendations of each Standing Committee may be considered by Council.

6.5 **Procedural Advice**

- (a) The Clerk or their designate shall provide advice on matters of procedure during a meeting when requested by any Member, including the Chair of a meeting.
- (b) The Clerk or their designate shall assist the Chair of a meeting with proper dispensation of all matters at the meeting.

6.6 **Corrections & Administration**

- (a) The Clerk shall be authorized to make minor corrections to a by-law that are immaterial in nature and which do not alter the intent of the by-law.
- (b) The Clerk, in consultation with the Regional Solicitor, shall be authorized to repeal by-laws that have exhausted their authority or are otherwise of no further force or effect, and shall do so by by-law.

## **7. Meetings**

### **7.1 Place of Regular Meetings**

- (a) All regular meetings of Council, Committee of the Whole, and Standing Committees shall be held at the Regional Headquarters building, 605 Rossland Road East, Whitby, in the Council Chambers or another meeting room as deemed appropriate by the Clerk.

### **7.2 Schedule of Regular Meetings**

- (a) Regular meetings of Council, Committee of the Whole and Standing Committees shall be held at the hour of 9:30 AM on the day provided in the monthly meeting schedule approved by Council, unless otherwise decided by resolution of Council.
- (b) Where a regular meeting of Council, Committee of the Whole or a Standing Committee is scheduled on the same day as a public or civic holiday, the meeting shall be at the same hour on the next following day that is not a public or civic holiday, unless otherwise provided by resolution.
- (c) No regular meetings of Council, Committee of the Whole or Standing Committees shall be scheduled in the months of July and August, or during any Spring break scheduled for the public elementary and secondary schools in Durham Region.
- (d) No regular meetings of Council, Committee of the Whole or Standing Committees shall be scheduled in the months of September, October, or November of the year of a regular municipal election.

### **7.3 Public Notice of Regular Meetings**

- (a) Pursuant to Section 238 of the Municipal Act, public notice for regularly scheduled Council, Committee of the Whole, and Standing Committee meetings shall be deemed to be given by making the agenda available in the office of the Clerk and by posting on the Region's Website by the Friday preceding the regularly scheduled meeting.
- (b) Notice which is substantively given but is irregular or not otherwise in strict compliance with these procedures shall not invalidate the holding of a meeting or any of the proceedings at a meeting.

## 7.4

### **Special Meetings**

- (a) A special meeting of Council, Committee of the Whole or a Standing Committee may be called at any time by:
  - 1. The Regional Chair for Council or Committee of the Whole upon written direction to the Clerk stating the date, time, and purpose of the special meeting; or
  - 2. The Committee Chair upon written direction to the Clerk stating the date, time, and purpose of the special meeting, provided, however, that the Committee shall not meet while Council or Committee of the Whole is meeting; or
  - 3. The Clerk upon written request by the majority of the Members of Council or the Committee, for the purpose and at the time mentioned in the request.
- (b) The Clerk shall give all Members written notice of a special meeting at least twenty-four hours before the time appointed for such meeting, and such notice shall be delivered by electronic mail and indicate the nature of the business to be considered at the special meeting and the date, time and location of the meeting. Notice may also be provided by other means deemed appropriate by the Clerk.
- (c) When preparing an agenda for a special meeting, the Clerk may include or exclude any headings in the Order of Business as appropriate for the special meeting.
- (d) No business other than that indicated in the written notice shall be considered at the special meeting except with the unanimous consent of all Members present and voting at such meeting.

## 7.5

### **Emergency Meetings of Council**

- (a) An emergency meeting of Council may be held, without written notice, to deal with an emergency or extraordinary situation, including issues that may urgently affect the health or safety of residents.
- (b) In the case of an emergency, Council may hold meetings at any convenient location within or outside the municipality, as determined by the Clerk in consultation with the Regional Chair and Chief Administrative Officer.
- (c) The Clerk or their designate shall notify all Members and the public of the emergency meeting and publish an agenda as soon as possible in the most expedient manner available.

- (d) No business other than the business dealing directly with the emergency shall be transacted at the meeting.
- (e) The Chair, in consultation with the Regional Clerk, may exclude members of the public from attending the meeting depending on the nature of the emergency.
- (f) Where circumstances allow, meetings during an emergency will be livestreamed.

## 7.6 **Change of Date, Time or Location of Meetings**

- (a) Where the Chair of a meeting considers it necessary to change the date, time, or location of a scheduled meeting, the Chair shall direct the Clerk to ascertain the views of the Members via electronic mail concerning the proposed change.
- (b) Where the Clerk ascertains that a majority of the Members have no objection to the proposed change, the Clerk shall notify the Chair in writing and give written notice of the change to all Members at least twenty-four hours before any newly selected time for such meeting.
- (c) Notice of any new date, time, or location of a meeting shall be given by electronic mail and may also be provided by other means deemed appropriate by the Clerk.

## 7.7 **Cancellation of Meetings**

- (a) A regular, special or emergency meeting of Council, Committee of the Whole, a Standing Committee or special Committee may be cancelled in any of the following circumstances:
  - i. If the Clerk determines in advance that quorum will not be achieved;
  - ii. If the meeting is cancelled by Council resolution, or Committee resolution in the case of a Standing Committee;
  - iii. If the meeting is not required as determined by the Clerk due to a lack of forecasted agenda items; or
  - iv. In the event of exceptional circumstances including inclement weather, at the discretion of the Regional Chair in consultation with the Clerk.
- (b) The Clerk shall give notice of the cancellation of a meeting to all Members of Council as soon as possible before the time appointed for the meeting, and such notice shall be by electronic mail. Notice may also be provided by other means deemed appropriate by the Clerk in case of an emergency.

## 7.8 **Addendum**

- (a) The Clerk may amend the agenda for a scheduled Council, Committee of the Whole or Standing Committee meeting by way of an addendum.
- (b) The addendum shall only include additional items related to matters already on the agenda, or new items that in the opinion of the Clerk, in consultation with the Chief Administrative Officer, are time sensitive in nature.
- (c) The addendum shall be published no later than 4:00 p.m. on the day preceding the meeting, unless the day preceding the meeting is a Saturday, Sunday or statutory holiday in which case the addendum shall be published no later than 9:00 a.m. on the day of the meeting.
- (d) Notice shall be deemed to have been given for all matters added to an agenda via an addendum.

## 7.9 **Duties of Meeting Chair**

- (a) It shall be the duty of the Chair of a meeting to:
  - i. open the meeting by calling the Members to order;
  - ii. receive and submit all motions presented for consideration;
  - iii. put to vote all duly moved and seconded motions, and to announce the result;
  - iv. decline to put to vote any motions which infringe upon the Rules of Procedure or which are beyond the jurisdiction of Council;
  - v. restrain the Members when engaged in debate, within the Rules of Procedure;
  - vi. enforce on all occasions the observance of order and decorum by the Members and any other persons present at the meeting;
  - vii. call by name any Member persisting in breach of the Rules of Procedure and to order the Member to vacate the meeting if necessary;
  - viii. authenticate by their signature all resolutions and minutes of the meeting over which they preside;
  - ix. decide on any points of order or privilege as necessary;
  - x. if the Chair considers it necessary because of grave disorder, to adjourn a meeting without a matter being put to vote, or recess a meeting for a time specified by the Chair; and
  - xi. to ensure that no person except a Member, officer or employee of the Regional Corporation is permitted to enter upon the floor of the Chamber during a meeting without permission of the Chair or the Members.

## 7.10 **Electronic Participation**

- (a) Electronic participation is permitted for a member of Council, of a local board or of a committee of either of them in accordance with Section 238 (3.1) of the Act. This includes but is not limited to Advisory Committees, Standing Committees, Committee of the Whole, Regional Council and local board meetings.
- (b) Members participating electronically shall count towards determining whether a quorum of members is present and may participate in Closed Meetings.
- (c) Electronic participation is permitted for all Staff, including the Clerk and their designates.
- (d) Delegates may participate electronically on request if the Clerk is of the opinion that the delegation can be facilitated electronically. All regular rules for delegations shall apply to delegates participating electronically.
- (e) The Clerk, in consultation with the Regional Chair, shall establish practices and procedures for electronic participation.

## 7.11 **Recording, Broadcasting and Livestreaming**

- (a) Meetings may be audio or video recorded, broadcast and/or livestreamed publicly by the Region, except for Closed Meetings.
- (b) Meeting attendees may record all or portions of open meetings, provided that doing so is not disruptive to the meeting or other attendees.



## **8. Closed Meetings**

- 8.1 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(2) of the Act, or for the education or training Members and no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council.
- 8.2 A meeting or part of a meeting shall be closed to the public if the subject matter being considered is a request under the Municipal Freedom of Information and Protection of Privacy Act, or an on-going investigation respecting the municipality, a local board, or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13(1) of the Municipal Act, or the investigator referred to in subsection 239.2(1).
- 8.3 Before holding a meeting or part of a meeting that is to be closed to the public, a motion to proceed into a Closed Meeting shall be adopted stating the fact of the holding of the Closed Meeting and the provision of the Act which authorizes the meeting to be closed to the public.
- 8.4 A meeting shall not be closed to the public during the taking of a vote, except where a Closed Meeting is permitted under these procedures and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Regional Corporation or persons retained by or under a contract with the Regional Corporation.
- 8.5 At the conclusion of a closed meeting, a motion to rise from the closed meeting and proceed into an open meeting shall be adopted.
- 8.6 The verbal communications of Members which are made during closed meetings shall be confidential, and the disclosure, recording or transcribing of such communications is prohibited. Any person found by the Chair of a meeting to be in contravention of this section shall be reprimanded and ordered to vacate the meeting, but if a Member apologizes to the Members present, disengages the transcribing device and erases the recording or transcription, they may, by vote of the Members present, be permitted to retake their seat.
- 8.7 Should a report be issued by a Closed Meeting Investigator which finds that a meeting or part of a meeting that was the subject of an investigation by that person appears to have been closed to the public contrary to section 239 of the Act or to these procedures, Council shall pass a resolution advising how it intends to address the report.

## **9. Quorum**

### **9.1 Quorum Requirements**

- (a) Fifteen Members of the Council representing at least four area municipalities are necessary to form a quorum for a meeting of the Council.
- (b) Fifteen Members are necessary to form a quorum for Committee of the Whole.
- (c) Four Members are necessary to form a quorum for Standing Committees, and the Regional Chair may be included to form a quorum.

### **9.2 Absence of Quorum**

- (a) If a quorum is not present within thirty minutes after the time appointed for a meeting, the Clerk or their designate 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 these procedures.

### **9.3 Lost Quorum**

- (a) If quorum is lost during the course of a meeting, the Chair may recess the meeting to determine if a quorum can be found. If a quorum is not found, the meeting shall stand adjourned and any unfinished business will be taken up at the next regular meeting or other meeting called in accordance with the provisions of these procedures.

## **10. Council Proceedings**

### **10.1 Order of Business**

(a) The order of business for regular meetings of Council shall be as follows:

1. Call to Order & Traditional Territory Acknowledgement
2. Roll Call
3. Declarations of Pecuniary Interest
4. Adoption of Minutes
5. Presentations
6. Delegations
7. Communications
8. Reports Related to Delegations/Presentations
9. Committee Reports
  - Finance and Administration
  - Health and Social Services
  - Planning and Economic Development
  - Works
  - Committee of the Whole
10. Departmental Reports & Other Resolutions
11. Notice of Motions
12. Unfinished Business
13. Announcements
14. By-laws
15. Confirming By-law
16. Adjournment

(b) All business shall be taken up in the order in which it appears on an agenda unless otherwise decided by Council.

### **10.2 Call to Order & Traditional Territory Acknowledgment**

- (a) As soon after the scheduled start time for the meeting has passed, the Regional Chair shall call the Members to order.
- (b) If the Regional Chair does not attend a meeting of Council within fifteen minutes after the time appointed, the Acting Chair shall call the Members to order and shall preside until the arrival of the Regional Chair.
- (c) If neither the Regional Chair or the Acting Chair are present at the meeting within fifteen minutes after the time appointed, the Clerk shall call the meeting to order and the Members present shall appoint a Member who shall preside until the arrival of the Regional Chair or Acting Chair.

- (d) After calling the meeting to order, the following Traditional Territory Acknowledgment shall be read by the Chair at the start of every Council meeting:

“The Region of Durham exists on lands that the Michi Saagiig Anishinaabeg inhabited for thousands of years prior to European colonization. These lands are the traditional and treaty territories of the Nations covered under the Williams Treaties, including the Mississaugas of Scugog Island First Nation, Alderville First Nation, Hiawatha First Nation, Curve Lake First Nation, and the Chippewa Nations of Georgina Island, Beausoleil and Rama.

We honour, recognize, and respect Indigenous Peoples as rights holders and stewards of the lands and waters on which we have the privilege to live. In our efforts towards reconciliation, we continue to build and strengthen relationships with First Nations, as well as the large Métis communities and growing Inuit communities here in Durham. We commit to learning from Indigenous values and knowledge, building opportunities for collaboration, and recognizing that we are all connected.”

### 10.3 **Roll Call**

- (a) The Clerk or their designate shall conduct a roll call of all members to confirm that a quorum of members is present before proceeding with the meeting.
- (b) After returning from a recess, the Clerk or their designate shall conduct a further roll call prior to resuming the meeting to confirm that a quorum of members is present.

### 10.4 **Declarations of Pecuniary Interest**

- (a) Where a Member has a pecuniary interest as defined in the Municipal Conflict of Interest Act, the Member shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof and shall not take part in the discussion of or vote on any motion in respect of the matter and shall not attempt in any way whether before, during or after the meeting to influence the voting on any such matter.
- (b) Where the meeting is not open to the public, in addition to declaring the conflict, the member shall leave the meeting or the part of the meeting during which the matter is under consideration except if the matter under consideration is whether to suspend the remuneration paid to a member under section 223.4 (5) or (6) of the Municipal Act, the member may take part in the discussion of the matter, including making submissions to Council and may attempt to influence the voting on any motion in respect of the matter, however, the member is not permitted to move, second, or vote on any motion in respect of the matter.

- (c) Where a member is absent from a meeting which includes a matter on which they have a pecuniary interest, the Member shall disclose the interest at the next meeting attended by the Member.
- (d) The Clerk shall record any declarations of interest made by a Member in the meeting minutes, noting the matter and the general nature of the declaration.
- (e) Any verbal declarations made under section 10.4 shall also be submitted in writing to the Clerk using the prescribed form and shall be made available in the office of the Clerk and through an online registry.

#### 10.5 **Adoption of Minutes**

- (a) Minutes of the last regular meeting of Council and of all special, closed or Committee of the Whole meetings held more than three business days prior to the agenda distribution are included in the next regularly scheduled Council agenda to be considered for adoption.
- (b) Minutes of previous meetings may be adopted without having been read at the meeting at which their adoption is considered.

#### 10.6 **Presentations**

- (a) Presentations may be permitted at the request of Council, Committees, or Regional staff. Other than presentations by Regional staff with background material related to a report on the agenda, presentations shall be limited to 10 minutes in length and shall be limited to:
  - 1. award presentations; or
  - 2. presentations by Regional staff, outside agencies/organizations or consultants retained by the Region, including programs, policies and practices of the Region.
- (b) Presentation requests shall be submitted to the Clerk not later than Wednesday noon the week prior to the meeting.

#### 10.7 **Delegations**

- (a) Any person that wishes to delegate to a Committee of Council shall give written notice to the Clerk no later than Wednesday noon the week prior to the meeting.
- (b) Delegations shall be directed to the appropriate Committee of Council, except where the delegation wishes to address Council with respect to a matter which will be put forward directly to Council without first being considered by a Committee.
- (c) Where a request is received after Wednesday noon the week prior to the meeting and the subject matter is included on an agenda for a meeting,

the request will be added to the addendum for the applicable meeting if written notice to the Clerk is received by noon the day preceding the meeting.

- (d) Where a request is received after Wednesday noon the week prior to the meeting and the matter is not included on the agenda for the meeting, then the request shall be placed on the agenda of the next regular meeting of the relevant Committee of Council.
- (e) Delegations shall be permitted from the gallery without prior registration only during statutory public meetings under the Planning Act or any other legislation, as required. Delegations at a statutory public meeting are not required to give written notice to the Clerk but are encouraged to do so.
- (f) Delegations shall not appear at a Committee of the Whole meeting unless the matter is included on the agenda.
- (g) Delegations related to labour relations, ongoing legal proceedings, insurance claims, or solicitation of business shall not be permitted.
- (h) Delegations with respect to complaints about Regional administrative processes shall not be permitted, including but not limited to contract awards and billing discrepancies/issues.
- (i) Delegations related to a previous decision of Council shall not be considered by Council or a Committee within twelve months of the decision unless a motion to reconsider or re-introduce the matter is presented to Council, or a report on the matter is included on the agenda.
- (j) Delegations may only appear once on a matter within six (6) months, unless a recommendation pertaining to the matter is included on the agenda within the same six (6) month period.
- (k) Delegations shall be limited to speak for no longer than five (5) minutes, with the exception that a delegation consisting of more than five persons shall be entitled to two speakers with each limited to speak not more than five (5) minutes. The rules may be suspended by a 2/3rds vote to introduce a motion to extend the time for a delegation. The motion to extend the time must specify the length of the extension.
- (l) Delegations shall be requested to submit a written copy of their comments and any supporting presentation materials by 4:00 PM of the day before the meeting, in order to circulate the material to Members prior to the meeting and for the purposes of public record.
- (m) Questions to delegates shall be for seeking clarification or additional information, not to expand the scope of the delegation's remarks or for adding the Member's own statement or position through the delegation. Questions such as "are you aware" and "did you know" shall be out of order, subject to the discretion of the Chair.

## 10.8 **Communications**

- (a) Communications intended to be presented to the Council shall:
  - i. include the author's full name (first and last) and municipal address;
  - ii. be legibly written or printed;
  - iii. not contain any improper matter or language; and
  - iv. be filed with the Clerk.
- (b) Where an item of correspondence is received and the subject matter pertains to an item on an agenda for a Council or Committee meeting, the correspondence shall be added to the agenda via addendum for the applicable meeting if received by the Clerk by noon the day preceding the meeting.
- (c) Communications from a lower-tier municipality within the Regional Municipality of Durham requesting or requiring action by Council shall be included on the next agenda of the appropriate Committee of Council as determined by the Clerk.
- (d) Communications which in the opinion of the Clerk require action by Council shall be included on a Council or Committee agenda under Communications and shall include a recommendation for disposal.
- (e) Where the Clerk receives multiple copies of correspondence containing the same or similar information (such as a form letter or petitions), the Clerk may include one copy of the correspondence in the agenda and provide a summary of the remainder received.
- (f) The Clerk may summarize any communications to be included on a Council or Committee agenda, and any Member of Council or the public shall be granted access to the originally submitted communication upon request.

## 10.9 **Reports Related to Presentations/Delegations**

- (a) If a delegation or presentation is received at a meeting in relation to an item on a Committee Report to Council, that item shall be separated from the Committee Report and brought forward in the order of business to this section on the agenda.

## 10.10 **Committee Reports**

- (a) Committee Reports shall be presented to Council and shall contain all recommendations from the relevant Standing Committee for Council's consideration.
- (b) The relevant Committee Chair shall present the report from their Committee. In the absence of the Committee Chair, the Vice-Chair shall present the report.
- (c) Council may make any decision with respect to any or all items included on a Committee Report.
- (d) Following disposition of each Committee Report, Members of Council shall be permitted to question the Committee Chair on matters not otherwise included in the minutes of the Committee meeting or the Report of such Committee, subject to the following limitations:
  - i. Questions to the Committee Chair shall be submitted in writing to the Clerk prior to the beginning of the meeting. Subsequent questions at a meeting arising from discussion of submitted questions shall be in order.
  - ii. Requests for substantive gathering of information or the preparation of reports from staff shall require the approval of a majority of the Members present at a meeting and such requests shall identify the appropriate Department and the objective(s) of the report.

## 10.11 **Departmental Reports & Other Resolutions**

- (a) Departmental reports shall be presented to the Committee of Council responsible for the matter, unless there is a legislated requirement or a resolution of Council directing the matter to come directly to Council.
- (b) Departmental reports of an urgent nature which have not been considered by a Committee of Council shall be listed under this section of the agenda for Council's consideration, at the discretion of the Clerk in consultation with the Regional Chair and Chief Administrative Officer.
- (c) A Department Head may request that the Clerk include an information report on the appropriate Committee agenda for discussion.
- (d) The Clerk may include additional resolutions and recommendations from other sources that report through Regional Council as necessary.



10.12 **Notice of Motions**

- (a) Notice of Motions shall be considered in accordance with section 15.2.

10.13 **Unfinished Business**

- (a) Tabled matters shall be noted, including the date of their first appearance on the agenda, and shall be repeated on each subsequent agenda until dealt with or removed from the agenda by majority vote of Council.

10.14 **Announcements**

- (a) Announcements by Members shall be limited to two minutes each and shall not be recorded in the minutes.

10.15 **By-Laws**

- (a) No by-law shall be presented to Council unless the subject matter thereof has been considered and approved by Council or a Committee to which Council has delegated authority, except:
  - 1. A by-law to confirm the proceedings of Council;
  - 2. Tile Drainage By-laws prepared under the Tile Drainage Act;
  - 3. A by-law arising as the result of an order or decision of any judicial or quasi-judicial body;
  - 4. A by-law to appoint acting/chief building officials and sewage system inspectors; or
  - 5. A by-law to dedicate any lands acquired by the Regional Municipality of Durham for road widening purposes, to form part of the Regional Road system.
- (b) Every by-law which has been passed by the Council or under an authority delegated by Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Regional Chair and the Clerk and shall be deposited by the Clerk in their office for safekeeping.

## **11. Council Information Package**

### **11.1 Publication Schedule**

- (a) The Clerk shall prepare a Council Information Package listing all items received by the Clerk for information of Council, which shall be delivered electronically to all Members every Friday and posted on the Region's Website.

### **11.2 Contents**

- (a) The Council Information Package shall include:
  - i. Departmental Reports for information, including early release reports;
  - ii. Items of Correspondence not pertaining to a subject matter or item on a Council or Committee meeting agenda;
  - iii. Items of Correspondence and Memoranda prepared by regional staff that are addressed to all Members;
  - iv. Minutes of Advisory Committees; and
  - v. Any other items of correspondence deemed appropriate by the Clerk.

### **11.3 Items pulled to Standing Committee or Council**

- (a) A Member of Council may request in writing to the Clerk that any item from the Council Information Package be included on the next agenda of the appropriate Committee of Council as determined by the Clerk in consultation with the Member of Council. The item will be included on the agenda of the next regularly scheduled meeting of the appropriate Committee of Council if submitted to the Clerk not later than noon the day prior to the meeting.
- (b) Where there are no further Committee meetings prior to a scheduled break in regular meetings, items from the Council Information Package pulled by Members may be included on the next agenda of Council prior to the scheduled break.

## **12. Rules of Debate**

- 12.1 No Member shall be deemed to have precedence or seniority over any other Member.
- 12.2 Before speaking to a matter or motion, a Member shall address the Chair and speak through the Chair.
- 12.3 When two or more Members wish to speak, the Chair shall recognize the Member who, in the opinion of the Chair, first signified their intention to speak.
- 12.4 When a Member is speaking, no other Member shall interrupt that Member except to raise a point of order.
- 12.5 A Member may require the motion under discussion to be read at any time during the debate but not so as to interrupt a Member who is speaking.
- 12.6 No Member shall speak more than once to the same motion, but a reply may be made by the Member who has presented the motion to the Council.
- 12.7 No Member shall speak to the same motion or reply for longer than five minutes.
- 12.8 Debate with respect to a matter that is outside the jurisdiction of Council shall be out of order.
- 12.9 When a Member has been recognized as the next speaker, before speaking the Member may ask a question of or through the Chair on the matter under discussion for the purpose of obtaining information, following which the Member may speak.

### **13. Conduct at Meetings**

13.1 No Member of Council, Staff or member of the public shall:

- (a) speak disrespectfully of the Reigning Sovereign, of any member of the Royal Family, of the Governor-General of Canada, of the Lieutenant-Governor of any Province, of any Member of Senate or of any elected assembly;
- (b) use offensive words or unparliamentary language in or against the Council or against any Member, or any officer or employee of the Regional Corporation;
- (c) speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, ethnic origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status, or disability.
- (d) speak on any subject other than the subject in debate;
- (e) disobey the Rules of Procedure or a decision of the Chair or of the Council on questions of order or procedure or upon the interpretation of the Rules of Procedure; and in case a Member persists in any such disobedience after having been called to order by the Chair, the Chair shall forthwith order them to vacate the meeting, but if the Member apologizes they may, by vote of the Council, be permitted to rejoin the meeting;

13.2 No person except a Member, officer or employee of the Regional Corporation shall be permitted to enter upon the floor of the Chamber during the sitting of the Council without permission of the Chair or the Council.

13.3 Food and drink shall be permitted in a meeting, provided that the consumption of any food or drink is not disruptive to the proceedings.

## **14. Points of Order and Privilege**

### **14.1 Point of Order**

- (a) Where a Member has a question with respect to the proper application of these procedures in a meeting, they may without notice rise with the consent of the Chair for the purpose of raising a point of order, and the following procedure shall be followed:
  - i. The point of order shall be considered and decided by the Chair immediately.
  - ii. After the Chair has decided the point of order, any Member may appeal to the Council from the Chair's decision. If no Member appeals, the decision of the Chair is final.
  - iii. If a Member appeals to Council on a point of order, Council shall hear the reason for the appeal from the appellant and the reason for the decision from the Chair, and shall decide the matter without debate.
  - iv. The decision of Council on a point of order is final.

### **14.2 Point of Privilege**

- (a) Where a Member considers that the health, safety, rights and/or the integrity of a member, anyone present at the meeting, or the Committee or Council as a whole has been impugned, they may without notice rise with the consent of the Chair for the purpose of raising a point of privilege, and the following procedure shall be followed:
  - i. The point of privilege shall be considered and decided by the Chair immediately.
  - ii. The decision of the Chair on a point of privilege is final.

## **15. Motions**

### **15.1 Motions in Writing**

- (a) Except as otherwise provided in these procedures, a motion shall be in writing and must indicate the names of the mover and seconder.

### **15.2 Notice of Motion**

- (a) Where a Member wishes to introduce a motion that requires notice, such notice shall be given in writing by the mover and seconder, either:
  - 1. at a meeting of Council, but shall not be debated until the next regular meeting of Council; or
  - 2. provided to the Clerk not later than Wednesday noon the week prior to the meeting at which the motion is to be introduced.
- (b) Where notice of motion has been given by a Member, the motion shall be included in the agenda for the next regular meeting of Council and for one additional meeting if not proceeded with at the first meeting, and if not proceeded with by the second meeting it shall be dropped from subsequent agendas unless Council decides otherwise.
- (c) Where a motion that requires notice is recommended to Council through a Departmental Report, a Committee Report, or otherwise printed in the agenda for a meeting, notice shall be deemed to have been given.

### **15.3 Seconding**

- (a) A motion shall be formally seconded before the presiding officer calls a vote on the motion or before a motion is recorded in the minutes.

### **15.4 Presentation of Motion by Chair**

- (a) When a motion is presented to Council in writing, it shall be read, or, if it is a motion which may be presented orally, it shall be stated by the Chair before debate.

### **15.5 Motions Beyond Jurisdiction of Council**

- (a) A motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.

15.6 **Withdrawal of Motion**

- (a) After a motion is read or stated by the Chair it shall be deemed to be in possession of Council but may be withdrawn at any time by the mover or seconder before the motion is put to a vote. If a mover or seconder wishes to withdraw the motion, the Chair shall ask if another Member wishes to move or second the motion before it is considered withdrawn.

15.7 **Disposition of Motions**

- (a) A Substantive Motion properly before Council must receive disposition before any other Substantive Motion can be introduced.
- (b) Any number of matters may be introduced together in one Substantive Motion, but Council shall at the request of a Member deal separately with any matter included within the Substantive Motion.

15.8 **Motion to Receive for Information**

- (a) A motion to receive a matter for information:
  - i. may be moved or seconded by any Member;
  - ii. shall not require notice to be introduced;
  - iii. may be submitted orally;
  - iv. may be debated;
  - v. may be amended;
  - vi. may include additional instructions, and such instructions shall be submitted in writing;
  - vii. shall not be considered a Substantive Motion unless the motion contains additional instructions;
  - viii. shall require a Majority Vote to be adopted;
  - ix. if adopted, shall require that debate on the matter cease and the meeting proceed to the next item of business.
- (b) Where Council or a Committee has adopted a resolution to receive a matter for information, further motions pertaining to that matter may be introduced at a later time without requiring a motion to reconsider, unless the resolution to receive for information contained additional instructions.

15.9 **Motion to Amend**

- (a) A motion to amend another motion at a meeting:
  - i. may be moved or seconded by any Member;
  - ii. shall not require notice to be introduced;
  - iii. shall be submitted in writing;
  - iv. shall not be contrary to the purpose of the motion it seeks to amend, and shall be germane to that motion;
  - v. may be debated;

- vi. may only be considered one at a time;
- vii. may itself be amended, however only one amendment to an amendment may be considered at a time;
- viii. shall require a Majority Vote to be adopted; and
- ix. if resolved in the affirmative, shall require that consideration of the motion continue as amended.

**15.10 Motion to Call the Vote**

- (a) A motion that a vote on the matter be now taken:
  - i. may be moved or seconded by any Member who has not already spoken on the matter;
  - ii. shall not require notice to be introduced;
  - iii. may be submitted orally;
  - iv. shall not be debated;
  - v. shall not be amended;
  - vi. shall not include additional instructions;
  - vii. may be proposed with respect to any motion currently under consideration by Council;
  - viii. may be made only by a Member who is recognized by the Chair and is on the Chair's list of Members wishing to speak to the motion;
  - ix. shall require a Two-Thirds Majority Vote to be adopted; and
  - x. if resolved in the affirmative, shall require that the motion be put to a vote immediately without further debate.

**15.11 Motion to Refer**

- (a) A motion to Refer a matter:
  - i. may be moved or seconded by any Member;
  - ii. shall not require notice to be introduced;
  - iii. may be submitted orally;
  - iv. may be debated;
  - v. may be amended;
  - vi. may include additional instructions, and such instructions shall be submitted in writing;
  - vii. shall require a Majority Vote to be adopted; and
  - viii. if resolved in the affirmative, shall require that consideration of the motion immediately cease and the meeting proceed to the next item of business.

**15.12 Motion to Defer**

- (a) A motion to Defer a matter:
  - i. may be moved or seconded by any Member;



- ii. shall not require notice to be introduced;
- iii. may be submitted orally;
- iv. may be debated;
- v. may be amended;
- vi. shall include the time and place to which the matter is proposed to be deferred;
- vii. shall not include additional instructions;
- viii. shall require a Majority Vote to be adopted; and
- ix. if resolved in the affirmative, shall require that consideration of the motion immediately cease and the meeting proceed to the next item of business, and the matter shall be added to the agenda of the future meeting to which it was deferred.

**15.13 Motion to Table**

(a) A motion to Table a matter:

- i. may be moved or seconded by any Member;
- ii. shall not require notice to be introduced;
- iii. may be submitted orally;
- iv. shall not be debated;
- v. shall not be amended;
- vi. shall not include additional instructions;
- vii. shall require a Majority Vote to be adopted; and
- viii. if resolved in the affirmative, shall require that consideration of the motion immediately cease and the meeting proceed to the next item of business, and the matter shall be added to the Unfinished Business section of future agendas until lifted from the table.

**15.14 Motion to Divide**

(a) A motion to divide a motion:

- i. may be moved or seconded by any Member;
- ii. shall not require notice to be introduced;
- iii. may be submitted orally;
- iv. shall not be debated;
- v. shall not be amended;
- vi. shall not include additional instructions;
- vii. may propose that one or more clauses in a motion be voted upon separately;
- viii. shall require a Majority Vote to be adopted; and
- ix. If resolved in the affirmative, shall allow for debate and voting on each clause of the motion to proceed as specified in the dividing motion, and will be voted upon in an order to be determined by the Chair.

**15.15 Motion to Reconsider**

- (a) A motion to reconsider a previous resolution:
  - i. may be moved or seconded by any Member;
  - ii. shall require notice to be given in accordance with section 15.2(a);
  - iii. shall be submitted in writing;
  - iv. may be debated;
  - v. may be amended;
  - vi. shall not include additional instructions;
  - vii. shall only be made with respect to reconsidering a Substantive Motion;
  - viii. may seek to reconsider all or only a portion of a Substantive Motion;
  - ix. shall only be considered by Council or the Committee that originally adopted the resolution to be reconsidered;
  - x. shall require a Two-Thirds Majority Vote to be adopted if the resolution to be reconsidered was adopted within the last twelve months;
  - xi. shall not be required to reconsider a resolution that was adopted more than twelve months prior; and
  - xii. if decided in the affirmative, shall require that reconsideration of the matter become the next item of business.
- (b) No discussion of the Substantive Motion shall be allowed unless and until the motion to reconsider is adopted.
- (c) If a Substantive Motion is reconsidered, all previous decisions of Council with respect to the Substantive Motion shall remain in force unless Council decides otherwise.

**15.16 Motion to Re-Introduce a Defeated Motion**

- (a) A motion to re-introduce a previously defeated motion:
  - i. may be moved or seconded by any Member;
  - ii. shall require notice to be given in accordance with section 15.2(a);
  - iii. shall be submitted in writing;
  - iv. may be debated;
  - v. shall not be amended;
  - vi. shall not include additional instructions;
  - vii. shall only be considered by Council or the Committee that originally defeated the motion;
  - viii. shall require a Majority Vote to be adopted if the motion to be re-introduced was defeated within the current term of Council;
  - ix. shall not be required to re-introduce a motion that was defeated during a previous term of Council; and

- x. if decided in the affirmative, requires that consideration of the re-introduced motion shall become the next item of business.

**15.17 Motion to Rescind**

- (a) A motion to rescind a previous resolution of Council:
  - i. may be moved or seconded by any Member;
  - ii. shall require notice to be given in accordance with section 15.2(a);
  - iii. shall be submitted in writing;
  - iv. may be debated;
  - v. may be amended;
  - vi. shall not include additional instructions;
  - vii. may seek to rescind all or only a portion of a Substantive Motion;
  - viii. shall only be considered by Council or the Committee that originally adopted the resolution;
  - ix. shall require a Two-Thirds Majority Vote to be adopted if the resolution to be rescinded was adopted within the current term of Council;
  - x. shall require a Majority Vote to be adopted if the resolution to be rescinded was adopted during a previous term of Council; and
  - xi. if decided in the affirmative, requires that the rescinded resolution previously adopted by Council is immediately of no further force or effect.

**15.18 Motion to Change the Order of Business**

- (a) A motion to change the order of business on an agenda:
  - i. may be moved or seconded by any Member;
  - ii. shall not require notice to be introduced;
  - iii. may be introduced orally;
  - iv. shall not be debated;
  - v. may be amended, and such amendments shall not be debated;
  - vi. shall not include additional instructions;
  - vii. shall require a Majority Vote to be adopted; and
  - viii. if adopted, shall require that the Chair of the meeting address matters on the agenda in accordance with the amended order of business.

**15.19 Motion to Suspend the Rules of Procedure**

- (a) A motion to suspend the rules of procedure:
  - i. may be moved or seconded by any Member;
  - ii. shall not require notice to be introduced;
  - iii. may be introduced orally;
  - iv. shall not be debated;
  - v. shall not be amended;

- vi. shall not include additional instructions;
- vii. shall require a Two-Thirds Majority Vote to be adopted; and
- viii. if adopted, shall require the Chair of the meeting to observe and enforce the rules of procedure as altered by the resolution.

15.20 **Motion to Recess**

- (a) A motion to recess a meeting:
  - i. may be moved or seconded by any Member;
  - ii. shall not require notice to be introduced;
  - iii. may be introduced orally;
  - iv. shall not be debated;
  - v. may be amended, and such amendments shall not be debated;
  - vi. shall specify the amount of time the meeting shall stand recessed;
  - vii. shall not include additional instructions;
  - viii. shall require a Majority Vote to be adopted; and
  - ix. if resolved in the affirmative, requires that the Chair declare a recess and state the time that the meeting is scheduled to resume.

15.21 **Motion to Adjourn**

- (a) A motion to adjourn a meeting:
  - i. may be moved or seconded by any Member;
  - ii. shall not require notice to be introduced;
  - iii. may be introduced orally;
  - iv. shall not be debated;
  - v. shall not be amended;
  - vi. shall not include additional instructions;
  - vii. shall be in order except:
    - (a) when a Member is speaking or during the taking of a vote;
    - (b) immediately following the affirmative resolution of a motion that a vote on the matter be now taken; and
    - (c) when a Member has already indicated to the Chair that they wish to speak on the matter.
  - viii. shall require a Majority Vote to be adopted;
  - ix. if resolved in the negative, shall not be made again until Council has conducted further proceedings; and
  - x. if resolved in the affirmative, shall require that the meeting be adjourned immediately.

## **16. Voting**

### **16.1 Majority Rules**

- (a) Except as otherwise provided in these procedures, the concurring votes of a majority of Members present and voting are necessary to carry any motion or other measure.

### **16.2 Members Present Shall Vote**

- (a) When a motion is put to a vote, every Member present at a meeting, including the Chair, shall vote thereon unless prohibited by statute or by these procedures.
- (b) If a Member that is present does not vote when a motion is put, they shall be deemed to have voted in the negative, except where the Member is prohibited from voting.

### **16.3 Procedures During Voting**

- (a) When the Chair calls for a vote on a motion, each Member who is attending the meeting in-person shall occupy their seat and shall remain there, and no Member shall speak or make any other noise or disturbance until the result of the vote has been declared by the Chair.
- (b) After the Chair calls a vote on a motion, 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.

### **16.4 Members Considered Absent**

- (a) A Member attending the meeting in-person who is not in their seat when the Chair calls the vote on a motion is considered absent and is not entitled to vote on that motion.

### **16.5 Tied Vote**

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

### **16.6 Unrecorded Vote**

- (a) The manner of determining the outcome of an unrecorded vote shall be at the discretion of the Chair of the meeting.

16.7 **Recorded Vote**

- (a) When a recorded vote is requested by a Member or is otherwise required, the Clerk shall record the name and vote of every Member on the motion.
- (b) A recorded vote shall be in order at all meetings and may be requested before or immediately after the taking of the vote. If a Member disagrees with the announcement of the Chair on an unrecorded vote that a motion is carried or defeated, they may immediately object to the Chair's declaration and require that a recorded vote be taken on the motion.
- (c) Members shall use electronic voting equipment for the purpose of recording their vote if available.
- (d) The result of the recorded vote shall be displayed once voting has closed and then declared by the Chair.
- (e) Should Council or Committee meet in a location where there is no electronic voting system or should the electronic voting system be inoperable:
  - 1. The order in which Members vote on recorded votes shall be in alphabetical order of the Members present and voting (with necessary modifications made for alternate members), commencing and continuing through the alphabet with the Member who made the request and then back to the beginning of the alphabet, if necessary, until all Members have voted, save and except the Chair who shall vote last;
  - 2. If a request is made by the Chair for a recorded vote, the order in which Members vote shall be in alphabetical order of the Members present and voting, save and except for the Chair who shall vote first.

## **17. Standing Committees**

### **17.1 Composition**

- (a) There shall be four Standing Committees of Council:
  - i. The Finance and Administration Committee;
  - ii. The Health and Social Services Committee;
  - iii. The Planning and Economic Development Committee; and
  - iv. The Works Committee.
- (b) Each of the Standing Committees shall be composed of seven Members, not including the Regional Chair.
- (c) Council may at any time appoint a special Committee to enquire into and report on any matter.

### **17.2 Matters within Standing Committee Jurisdiction**

- (a) Matters of business shall be first addressed at the appropriate Standing Committee before any recommendations from the Standing Committee pertaining to the matter are considered by Council.
- (b) Standing Committees may refer, defer, table, or receive a matter for information without recommendation to Council, including referring a delegation to Council. Notwithstanding this provision, Standing Committees may also recommend that Council refer, defer, table, or receive a matter for information.
- (c) Where any statute confers a right to be heard by Council before the passing of a by-law, or where Council by statute is required to hold a public meeting before the passing of a by-law, such a meeting or hearing may be held at the Committee having jurisdiction over the subject matter of the by-law.

### **17.3 Presiding Officers**

- (a) The Regional Chair shall preside over Committee of the Whole meetings, or may appoint the head of a local area municipality to preside as Chair. If the Regional Chair has not appointed a Chair, and is absent, then the Acting Chair shall preside over a meeting of Committee of the Whole. In the absence of both the Regional Chair and Acting Chair, another Member of the Committee shall be appointed by a Majority Vote to preside over the meeting.
- (b) For Standing Committees, the Committee Chair shall preside at the meeting of a Committee. In the absence of the Committee Chair, the Committee Vice-Chair shall preside at the meeting. In the absence of both the Committee Chair and Vice-Chair, another Member of the

Committee shall be appointed by a Majority Vote to preside over the meeting.

- (c) Standing Committee Chairs shall have the same rights and privileges as all other Committee Members, including the right to vote and participate in debate.

#### 17.4 **Order of Business in Committee of the Whole**

- (a) The order of business for regular meetings of Committee of the Whole shall be as follows, subject to such changes as may be appropriate in the circumstances:

1. Call to Order
2. Roll Call
3. Declarations of Pecuniary Interest
4. Statutory Public Meetings
5. Presentations
6. Delegations
7. Correspondence
8. Reports
9. Confidential Matters
10. Adjournment

#### 17.5 **Order of Business in Standing Committees**

- (a) The order of business for regular meetings of Standing Committees shall be as follows, subject to such changes as may be appropriate in the circumstances:

1. Call to Order
2. Roll Call
3. Declarations of Pecuniary Interest
4. Adoption of Minutes
5. Statutory Public Meetings
6. Presentations
7. Delegations
8. Applicable Section – Correspondence
9. Applicable Section – Reports
10. Repeat 8 and 9 as required
11. Advisory Committee Resolutions
12. Confidential Matters
13. Other Business
14. Adjournment



## 17.6 **Committee Procedures**

- (a) The rules contained within these procedures shall be observed in Committee of the Whole and Standing Committees, except as follows:
  - i. The number of times a Member may speak on any matter shall not be limited, provided that all Committee Members who wish to speak have had an opportunity to do so before any Member may speak again.
  - ii. Meetings of Committees shall be open to all Members of Council who may, with the permission of the Committee Chair, take part in discussion or debate after Members of the Committee have had the first opportunity to speak. Visiting Members shall not move, second, or vote on motions at the Committee meeting.

## 18. **Advisory Committees**

- 18.1 The rules governing the procedures and conduct of Members in Standing Committees as specified in section 17.6(a) shall be observed in Advisory Committee meetings with necessary modifications, except as otherwise provided in the Advisory Committee's Terms of Reference.
- 18.2 Advisory Committees shall not receive presentations, hear delegations, or consider any matter when a quorum is not present.
- 18.3 The Clerk may cancel a meeting of an Advisory Committee in consultation with the Staff Liaison to the Committee, in accordance with section 7.7.

## 19. **Appendices**

- 19.1 The following appendices shall form part of these procedures:
  - (a) Appendix A: "Closed Meeting Protocol";
  - (b) Appendix B: "Electronic Meeting Procedures";
  - (c) Appendix C: "Inaugural Meeting Procedures"; and
  - (d) Appendix D: "Procedure for Alternate Council Members".
- 19.2 The Chair and Clerk are authorized to make minor administrative amendments and corrections to the appendices at any time.

## Closed Meeting Protocol

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### 1. Objective

To provide information regarding the statutory requirements and Regional procedures with respect to Council and Committee meetings that are closed to the public.

### 2. Definitions

**Closed Meeting** – means a meeting, or part of a meeting, which is closed to the public as permitted by the Municipal Act, also referred to as an "in-camera meeting".

### 3. Should the Meeting be Closed

In the interests of accountability and transparency, and when possible, Regional Council endeavours to conduct its decision making in public. Staff are requested to consider the following questions when determining whether a matter should be considered in a Closed Meeting:

**Question 1:** Does the matter meet the criteria in the Municipal Act (Section 10 of the Procedural By-law) for the meeting to be closed?

**Question 2:** If so, just because the meeting can be closed, does that mean it should be closed?

The determination regarding whether a matter should be dealt with in a Closed Meeting is the responsibility of the relevant Department Head in consultation with the Regional Clerk and the Director of Legal Services.

It is important to remember that non-confidential matters should not be discussed during a Closed Meeting. The Committee should rise from the Closed Meeting and discuss any non-confidential matters publicly in open session.

### 4. Municipal Act Rules for Closed Meetings

Discretionary Exceptions (the meeting may be closed to consider these matters):

Topic / Municipal Act Exception	Discussion Can Include
Security of Property of the Regional Corporation	<ul style="list-style-type: none"> <li>• Regional property</li> <li>• Regional facilities</li> <li>• Regional assets</li> </ul>
Personal Matters About Identifiable Individuals	<ul style="list-style-type: none"> <li>• Municipal employees</li> <li>• Members on boards and committees</li> </ul>
A Proposed or Pending Acquisition or Disposition of Land	<ul style="list-style-type: none"> <li>• Purchases</li> <li>• Sales</li> <li>• Leases</li> <li>• Expropriations</li> </ul>

Topic / Municipal Act Exception	Discussion Can Include
Labour Relations or Employee Negotiations	<ul style="list-style-type: none"> <li>• Union or Employee Negotiations</li> </ul>
Litigation or Potential Litigation, including matters before Administrative Tribunals	<ul style="list-style-type: none"> <li>• Current or Pending Litigation</li> <li>• Matters before the Ontario Municipal Board</li> </ul>
Advice that is Subject to Solicitor-Client Privilege	<ul style="list-style-type: none"> <li>• Legal Opinions or Advice</li> <li>• Status Reports/Briefings</li> </ul>
Matters under Other Legislation	<ul style="list-style-type: none"> <li>• Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)</li> <li>• Emergency Management and Civil Protection Act</li> </ul>
Information explicitly supplied in confidence to the Region by Canada, a province or territory or a Crown agency of any of them.	<ul style="list-style-type: none"> <li>• Information supplied in confidence by the Government of Canada, a province or territory, or a Crown agency.</li> </ul>
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.	<ul style="list-style-type: none"> <li>• Information which could prejudice a competitive position.</li> <li>• Information which could interfere with contractual or other negotiations of an individual, group or organization.</li> </ul>
A trade secret or scientific, technical, commercial or financial information that belongs to the Region and has monetary value or potential monetary value.	<ul style="list-style-type: none"> <li>• Information that has monetary value or potential monetary value.</li> </ul>
A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on	<ul style="list-style-type: none"> <li>• Legal Opinions or Advice</li> <li>• Status Reports/Briefings</li> </ul>

Topic / Municipal Act Exception	Discussion Can Include
by or on behalf of the Region.	
Education or Training	<ul style="list-style-type: none"> <li>• Council Orientation</li> </ul>

Mandatory Exceptions (the meeting must be closed to consider these matters):

Topic / Municipal Act Exception	Discussion Can Include
Request under the Municipal Freedom of Information and Protection of Privacy Act	<ul style="list-style-type: none"> <li>• FOI Requests</li> </ul>
An Ongoing Investigation respecting the Region by an Ombudsman	<ul style="list-style-type: none"> <li>• Ongoing Investigation by Ombudsman appointed under the Ombudsman Act or Ombudsman appointed by the Region</li> </ul>

## 5. Statutory Requirements for Closed Meetings

Pursuant to Sections 238 and 239 of the Municipal Act:

- Public notice of a Closed Meeting must be given.
- Before holding a meeting or part of a meeting that is to be closed to the public, Council must state by resolution, the fact of the holding of the Closed Meeting and the general nature of the matter to be considered at the Closed Meeting.
- All resolutions, decisions and other proceedings at Closed Meetings are to be recorded without note or comment.
- Closed Meeting proceedings shall be recorded by the Regional Clerk and/or his or her designate.
- Any person may request an investigation of whether the Region has complied with Section 239 of the Municipal Act or the Procedural By-law in respect of a meeting or part of a meeting that was closed to the public.

## 6. Access Requests for Closed Meeting Reports and Materials

Reports and materials prepared for consideration at Closed Meetings are records that may be subject to Freedom of Information (FOI) access requests under the Municipal Freedom of Information and Protection of Privacy Act. While it would be desirable to protect the confidentiality of records that are considered at Closed Meetings, in the event of an appeal, the Region could be ordered to release such records.

## 7. Closed Meeting Reports and Recommendations

### Reports

Whenever possible, written Closed Meeting reports are preferred over verbal reports as written reports provide for a more detailed account of the confidential record. Written reports also ensure that Council/Committee is prepared for any decisions they may need to consider in relation to a Closed Meeting discussion. It is also important to ensure that information that can be made available to the public is disclosed appropriately. Aside from a singular report appearing on a Closed Meeting agenda, consideration shall also be given to the following:

**Option A:** A report to appear on the Open Meeting agenda which provides as much general context in relation to the Closed Meeting matter as possible without disclosing confidential details and a confidential attachment to provide the accompanying confidential details; or

**Option B:** A companion report to appear on the Open Meeting agenda which provides for as much general context in relation to the Closed Meeting matter as possible without disclosing confidential details; or

**Option C:** A recommendation for Council/Committee to direct staff to prepare a related information report to be included as part of a subsequent Open Meeting agenda.

### **Report Titles**

The following standard format is to be used for Closed Meeting report titles and included on Open Meeting agendas for notice purposes:

Confidential Report of the <Department Head> – <reference to Topic/Municipal Act Exception> with respect to <reference to subject matter, property location>

The Regional Clerk's office may be consulted when developing report titles.

### **Recommendations**

Under the Municipal Act, Council or Committee in a Closed Meeting is permitted to vote on procedural motions or to direct or instruct Regional officers, agents or employees. Some actions which conform to this requirement are inherently confidential and should not be considered publicly. Other actions, however, can and should be voted on in an Open Meeting. The following are best practices with respect to the consideration of an Open Meeting motion related to a matter discussed by Council or Committee in a Closed Meeting:

**Option A:** If it is recommended that a report be received for information, this recommendation must be introduced in the Open Meeting. In this case, the following procedural motion should be used to rise from the Closed Meeting:

That Council/Committee rise from the closed meeting and report.

Once Council/Committee has risen from the Closed Meeting, the recommendation to receive the report for information may be introduced, using the following motion:

That Confidential Report <report #> be received for information.

**Option B:** If the report includes recommendations for approval by Council/Committee, the recommendations must be introduced in the Open Meeting. In this case, the following procedural motion should be used to rise from the Closed Meeting:

That Council/Committee rise from the closed meeting and report.

Once Council/Committee has risen from the Closed Meeting, the recommendations may be introduced by Council/Committee, using the following motion:

That the recommendations contained in Confidential Report <report #> be adopted.

In order to ensure that there is appropriate context for the introduction of the motion, the Chair shall consider presenting appropriate background information prior to Council's consideration of the motion.

**Option C:** If it is recommended that direction be given to staff to report back at a subsequent meeting, this direction can appear as part of a recommendation within the staff report and be passed in a Closed Meeting:

That staff be directed to report back at a subsequent meeting of Council/Committee in relation to <subject matter>.

If determined to be appropriate, greater detail can also be provided as part of the direction to staff. The following is an example to illustrate:

That staff be directed to prepare a report for the January 1, 2019 Council/Committee meeting in relation to the approach contemplated in Option Two of Report #2015-X-1 regarding <subject matter>.

**Option D:** If it is recommended that information which was previously confidential be released publicly at a subsequent time, this direction can appear as part of a recommendation within the staff report; or may be part of a motion for direction to staff. The recommendation may be passed in the Open Meeting or the Closed Meeting. If the recommendation is being passed in the Open Meeting, the following procedural motion should be used to rise from the Closed Meeting:

That Council/Committee rise from the closed meeting and report.

Once Council/Committee has risen from the Closed Meeting, the recommendations may be introduced by Council/Committee, using the following motion:

That the recommendations contained in Confidential Report <report #> be adopted; and

That staff be directed to report back at a subsequent meeting of Council/Committee in order to publicly release information in relation to <subject matter>.

In order to ensure that there is appropriate context for the introduction of the motion, the Chair shall consider presenting appropriate background information prior to Council's consideration of the motion.

## **8. Closed Meeting Minutes**

Minutes of a Closed Meeting will be recorded in accordance with the Municipal Act and Section 10.8 of the Procedural By-law. All resolutions, decisions and other proceedings at Closed Meetings are to be recorded without note or comment. Closed Meeting proceedings shall be recorded by the Regional Clerk and/or his or her designate.

Unless otherwise directed by Council/Committee, distribution of Closed Meeting Minutes will be limited to Members of Council, the Chief Administrative Officer, Department Heads, the Regional Clerk and/or his or her designate, and other Regional Staff as deemed necessary, at the discretion of Council, the Regional Chair or relevant committee.

## **9. Public Disclosure**

### **Disclosing Closed Meeting Information**

Members of Council and Regional Staff shall not disclose or release information considered in a Closed Meeting. This is a standard practice established to protect the interests of both Council and the Region. However, if Council deems it desirable and appropriate to release the final recommendations, the following clause may be included as part of the motion to adopt the recommendations in the confidential report, to authorize staff to release/publish the recommendations adopted by Council:

- b) That staff be directed to release the recommendations adopted by Council as it pertains to Confidential Report <report #>;

### **Disclosing Closed Meeting Agenda Items**

Although information contained in Closed Meeting reports shall not be disclosed, the Municipal Act requires that public notice of meetings be provided in a Procedural By-law. The Region's Procedural By-law requires that there be public notice of meetings and that the agenda, including a list of items to be considered at each meeting, be posted on the website and made available prior to the meeting.

In order to be accountable and transparent, and to inform individuals of the matters to be dealt with in closed session, Council and its committees shall open all meetings in open session and pass a motion to move into closed session. Once matters in the Closed Meeting have been dealt with, Council/Committee shall reconvene in open session to disclose, in a general manner, how the agenda items were dealt with in the Closed Meeting. A sample Chair's script is attached as Appendix A to the Closed Meeting Protocol.

**10. Addition of a Closed Meeting Item Not on the Agenda**

In the event an item not appearing on an agenda must be considered at a meeting due to exceptional circumstances involving urgent or time sensitive issues, prior to the next regularly scheduled meeting or in advance of the time required to convene a special meeting, the item may be added to the agenda by way of an addendum pursuant to Section 8.7 of the Procedural By-law.

In order for a 'time sensitive' matter to be added to an addendum, as soon as practical the relevant Department Head shall advise the Regional Clerk of the matter and provide an explanation as to its urgency.

In the event an item not appearing on an agenda or addendum must be added to the agenda, the Chief Administrative Officer and/or relevant Department Head shall advise Council/Committee and provide an explanation as to its urgency. Pursuant to Section 19.4 of the Procedural By-law, the item can be introduced by dispensing with notice on a two-thirds majority vote of the members present and voting.

**11. Attendance at a Closed Meeting**

Unless otherwise directed by Council/Committee, attendance at Closed Meetings is limited to the Chief Administrative Officer, Department Heads, the Regional Clerk and/or his or her designate, and other Regional Staff as deemed necessary, at the discretion of the relevant Department Heads.

Regional Staff are to remain outside the Closed Meeting room until called to speak to their specific matter. Regional Staff should vacate the meeting once their matter has been dealt with by Council/Committee.

**12. Closed Meeting Prelude**

In order to remind the Members of Council/Committee of their obligations in closed session, the Chair shall read a script at the beginning of the closed session detailing the Closed Meeting rules of the Region of Durham (Appendix B to the Closed Meeting Protocol).



**Appendix "A"**

**Sample Script when rising from the Closed Meeting**

Council/Committee met in Closed Session to consider matters it is permitted to do so under the Municipal Act, and as listed on today's Council/Committee agenda. The following items were considered during the Closed Session:

List of Items Considered in Closed Session

In the continuing interest of transparency and open government, I am reporting in public session any outcomes from today's closed session meeting.

As a result of our closed session today, I wish to report the following:

Examples:

Minutes from Previous Closed Session – A question of Item <x> was considered by Council/Committee from these minutes

LPAT Appeal Update – Council received information regarding LPAT Litigation related to <ROPA amendment number or file number>

Labour Relations/Employee Negotiations – Direction was given to staff respecting negotiations with Local XXXX.

Litigation Matter – Direction was given to staff with respect to litigation related to <subject matter>

Solicitor-Client Privilege – Council/Committee received legal advice related to <subject matter>

**Appendix "B"****Sample Script at the Beginning of a Closed Meeting**

Please be advised that Council/Committee will now meet in Closed Session in accordance with subsection 239(2) of the Municipal Act to consider:

- (a) the security of property of the Regional Corporation
- (b) personal matters about an identifiable individual
- (c) a proposed or pending acquisition or disposition of land
- (d) labour relations or employee negotiations
- (e) litigation or potential litigation
- (f) advice that is subject to solicitor-client privilege
- (g) a matter in respect of which Council may hold a closed meeting under another Act
- (h) information explicitly supplied in confidence to the Regional Corporation 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 Regional Corporation, 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 Regional Corporation and has monetary value or potential monetary value
- (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 Regional Corporation

I will be verbally reporting out in a general sense on all items considered in the closed session once we rise from the closed session and move back to open session.

Note: Only reference the section of the Municipal Act that pertains to the matters to be considered in Closed Session. Any other matters not mentioned in the motion to move into closed session cannot be discussed.

MFIPPA Requests or Ombudsman Investigation

Please be advised that Council/Committee will now meet in Closed Session in accordance with subsection 239(3) of the Municipal Act to consider:

- (a) a request under the Municipal Freedom of Information and Protection of Privacy Act
- (b) an ongoing investigation respecting the municipality by the Ombudsman

I will be verbally reporting out in a general sense on all items considered in the closed session once we rise from the closed session and move back to open session.

Note: Only reference the section of the Municipal Act that pertains to the matters to be considered in Closed Session. Any other matters not mentioned in the motion to move into closed session cannot be discussed.

Educational or Training Sessions

Please be advised that Council/Committee will now meet in Closed Session in accordance with subsection 239(3.1) of the Municipal Act for the purpose of <subject>.

Examples: Council Orientation; Professional Development

I will be verbally reporting out in a general sense on all items considered in the closed session once we rise from the closed session and move back to open session.



<b>Title: Electronic Participation</b>	
<b>Policy#: CS-ELE-1</b>	
<b>Approved by: Regional Council</b>	<b>Page#: 1 (of 4)</b>
<b>Issued: April 27, 2022</b>	<b>Revised: August 18, 2023</b>
<b>Responsibility: Regional Clerk and Regional Chair</b>	<b>Section: Corporate Services</b>

## **1. Policy**

- 1.01 In accordance with the Procedural By-law, the Regional Clerk, in consultation with the Regional Chair, shall establish practices and procedures for electronic participation at meetings.

## **2. Purpose**

- 2.01 To outline the rules, policies and procedures with respect to participating electronically in meetings of Council, Standing Committees, Committee of the Whole, Advisory Committees and local boards when electronic participation is available.
- 2.02 To ensure that as many aspects as possible for electronic participation mirror those for in-person participation, including the observation of the rules of procedure and participation.
- 2.03 To ensure the transparency of Council and Committee deliberations during meetings in which participants may be attending electronically.

## **3. Definitions**

- 3.01 “Council Chambers” means the Council Chambers meeting room located at the Regional Municipality of Durham headquarters building.
- 3.02 “Device” means the technology used to access the electronic meeting platform, including but not limited to mobile devices such as smart phones and tablets, or desktop computers.
- 3.03 “Electronic Meeting Platform” means an application or digital platform used to allow participants to attend a meeting via the internet, including but not limited to Webex, Zoom, Microsoft Teams and EasyConf Connect.
- 3.04 “Electronic Participation” means attending a meeting through an electronic meeting platform.
- 3.05 “Hybrid Meeting” means a meeting at which participants may be attending both in-person or via an electronic meeting platform.
- 3.06 “In-person” means attending a meeting by being physically present in the designated meeting room.
- 3.07 “Participant” means a member of the Council, Committee or local board, or a member of the public, or staff who is attending the meeting either electronically or in-person.

- 3.08 “Region” means the Regional Municipality of Durham.
- 3.09 “Streaming” means broadcasting the meeting in real-time via the Region’s website.

#### **4. Background & Preamble**

- 4.01 Bill 197 received Royal Assent on July 21, 2020 to amend the Municipal Act, 2001 to allow for members of Council who are participating electronically to count towards determining quorum and to participate in closed meetings at all times. The Procedural By-law was updated on July 29, 2020 to reflect these new provisions.
- 4.02 The Region of Durham Council Chambers supports Hybrid Meetings. Members participating in-person use cameras and microphones in the Chambers to be seen and heard by others participating in-person and electronically. Members participating electronically use their personal device to connect to the meeting and use the microphone and camera on their device to be seen and heard by Members in the Chambers and connected electronically. The meeting experience should be comparable for those participating in-person and electronically.
- 4.03 This document is intended to provide clarity on electronic meeting procedures only and is a companion document to the Procedural By-law. Should there be a discrepancy between this document and the Procedural By-law, the Procedural By-law shall take precedence.
- 4.04 These procedures may be amended from time to time by the Regional Clerk, in consultation with the Regional Chair, and will be made available on the Regional website and/or included as an appendix to the Procedural By-law.

#### **5. Procedures**

##### **Rules**

- 5.01 General reminders for electronic participation rules may be verbally outlined by the Clerk or their designate at the beginning of every meeting as required.

##### **Attendance**

- 5.02 The Clerk or their designate shall make note of which members are participating in-person and which members participating electronically during a Hybrid Meeting.

##### **Requests to Speak & Communication**

- 5.03 Members participating in-person shall indicate a request to speak by pressing the microphone button located at their seat in the Council Chambers.
- 5.04 Members participating electronically shall indicate a request to speak by pressing the Request to Speak button on the user interface of the Electronic Meeting Platform.
- 5.05 Members participating electronically may indicate a Point of Order or Point of Privilege by pressing the Raise Hand button on the user interface of the Electronic Meeting Platform.
- 5.06 The Chair or Clerk of the meeting shall have control over the speakers list and will activate speakers’ microphones.

- 5.07 The “chat” feature of the Electronic Meeting Platform shall not be used and is not monitored by the Chair or the Clerk. Members with urgent communications to the Chair or Clerk are advised to e-mail [clerks@durham.ca](mailto:clerks@durham.ca), which is actively monitored during meetings.

### **Public Delegations/Presentations**

- 5.08 Public delegates and presenters are permitted to participate electronically.
- 5.09 Regional AV employees may operate any electronic presentation material to assist delegates and presenters.

### **Closed Sessions**

- 5.10 Should a meeting go into closed session, members participating electronically who have made a declaration of interest on the matter to be discussed shall disconnect from the meeting and may join again once the closed session has concluded.
- 5.11 Members participating electronically in a closed session shall ensure the confidentiality of the meeting by taking necessary precautions, including for example:
- Participating from a private location with no other individuals in the room; and
  - Wearing a headset during the closed session.

### **Use of Video**

- 5.12 Members participating electronically in the meeting shall turn their cameras on during meetings so that they are visible to the Chair and all other meeting participants.
- 5.13 Members participating electronically may “blur” their background to ensure their privacy, if such features are available in the Electronic Meeting Platform.

### **Motions**

- 5.14 Members are encouraged to submit any motions they wish to make in advance of the meeting via email to [clerks@durham.ca](mailto:clerks@durham.ca), noting the mover and seconder.
- 5.15 Motions may be circulated during the meeting and may be displayed to all participants as necessary.

### **Voting**

- 5.16 Members participating electronically are expected to vote if they are signed-in to the meeting. If a Member needs to leave the meeting for any reason, they are to sign out of the Electronic Meeting Platform and may re-join at a later time. The onus is on the Member to adhere to the Procedural By-law, Municipal Act, and Code of Conduct and vote if they are present at the meeting and not otherwise disqualified from voting.
- 5.17 When a recorded vote is called, Members are to indicate how they wish to vote using the Electronic Meeting Platform.
- 5.18 Members participating electronically who do not vote will be marked as “Absent” if it is not possible to determine whether the member is present and not voting. If it can be ascertained with certainty that the member is present and they did not vote, they will be counted as a “No” vote in accordance with the *Municipal Act*.

### **Service Disruptions**

- 5.19 If the livestream or Electronic Meeting Platform encounters a service disruption during a Hybrid Meeting, then the meeting will recess until service is restored. If service is unable to

be restored within thirty (30) minutes, the Chair may adjourn the meeting to a later date/time.

- 5.20 Multiple livestreams may be operated for redundancy purposes. Failure of one livestream shall not require a recess or adjournment if another livestream remains active.
- 5.21 Members experiencing connectivity issues during a meeting are encouraged to contact [clerks@durham.ca](mailto:clerks@durham.ca) for technical support. However, active Hybrid Meetings will not be delayed or recessed for individual members experiencing technical issues during a meeting which are unrelated to a service disruption affecting all participants.

### **Declared Emergencies**

- 5.22 These procedures may be varied as necessary during a declared emergency.
- 5.23 If a declared emergency precludes Council, staff, or members of the public from participating in-person, those individuals may be required to participate electronically.

## **6. References**

- 6.01 Region of Durham Procedural By-law
- 6.02 *Municipal Act, 2001*

## **7. Inquiries**

- 7.01 For additional information regarding this policy please contact Council Services at [clerks@durham.ca](mailto:clerks@durham.ca).

## **APPENDIX C:**

### **PROCEDURES FOR THE INAUGURAL MEETING OF COUNCIL**

#### **1. PROCEEDINGS**

- 1.1 The first meeting of Council after a regular election shall be held after the councils of the area municipalities have held their first meetings, but in any event not later than thirty-one (31) days following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by By-law of the Regional Council.
- 1.2 The order of proceedings at the first meeting of Council after a regular election shall be as follows:
- (a) the filing of certificates in accordance with Section 232 of the Act:
    - (i) Regional Chair
    - (ii) Members of Council;
  - (b) declarations of office in accordance with the provisions of Section 232 of the Act:
    - (i) Regional Chair
    - (ii) Members of Council;
  - (c) inaugural address by the Regional Chair;
  - (d) appointment of Members to the Police Services Board;
  - (e) appointment of Standing Committee Chairs;
  - (f) appointment of Members to Standing Committees;
  - (g) passage of a confirming by-law.

#### **2. APPOINTMENT OF COMMITTEES**

- 2.1 The appointment of the Committee Chairs, Members of the Standing Committees and Members to the Regional Municipality of Durham Police Services Board shall be in the following order:



- (a) One Member to the Regional Municipality of Durham Police Services Board to be the Head of Council or designate;
- (b) A second and third Member to the Regional Municipality of Durham Police Services Board;
- (c) A Committee Chair for each Standing Committee;
- (d) Two Members to each Standing Committee;
- (e) Two further Members to each Standing Committee;
- (f) Two further Members to each Standing Committee.

2.2 The order in which Committee Chairs and Members are to be appointed to Standing Committees shall be decided by lot, drawn by the Clerk.

2.3 The appointments under section 22.1 of this By-law shall be conducted at the first meeting of Regional Council after a regular election, and shall be conducted in the following manner, with modifications as necessary:

- (a) The Chair as Presiding Officer shall call for nominations;
- (b) Each nomination shall be regularly moved and seconded;
- (c) When there are no further nominations, the Chair shall call for a motion declaring nominations closed;
- (d) After nominations have been closed, the Chair shall ask each nominee if they wish to stand for election. If a nominee declines to stand, their name shall be withdrawn from the list of nominees;
- (e) If only one nominee stands for appointment, they shall be declared appointed;
- (f) When more than one nominee stands for appointment, a vote shall be taken;
- (g) To be appointed a nominee shall obtain a vote of the majority of the Members present and voting;
- (h) The vote shall be by roll-call of all Members present and voting, the order of which will be decided by lot, drawn by the Clerk;
- (i) The Clerk shall appoint, as required, members of their staff to act as scrutineers for the appointment;
- (j) If there are only two nominees who elect to stand:

- (i) The nominee who receives the majority required to be appointed, shall be declared appointed; or
  - (ii) If there is an equality of votes, after three successive rounds of voting with the same results, a deadlock shall be declared and the Clerk shall conduct a draw by lot of the nominees, with the name of the nominee who is drawn being declared appointed.
- (k) If there are more than two nominees who elect to stand:
  - (i) The nominee who receives the majority required to be appointed, shall be declared appointed;
  - (ii) If no nominee receives the majority required to be appointed, the name of the nominee receiving the least number of votes shall be dropped and Council shall proceed with the next vote;
  - (iii) If two or more nominees are tied with the least number of votes, the Clerk shall conduct a draw by lot of the tied nominees until there is one name not drawn and the nominee who is not drawn, shall be dropped and Council shall proceed with the next vote;
  - (iv) Voting shall continue until either a nominee receives the majority required to be appointed or it becomes apparent by reason of an equality of votes or any other reason that no nominee can be appointed. After three successive rounds of voting with the same results, a deadlock shall be declared and the Clerk shall conduct a draw by lot of the nominees, with the name of the nominee who is drawn being declared appointed.
- 2.4 The Members of each Standing Committee shall appoint a Committee Vice-Chair at their first meeting of Committee after a regular election.
- 2.5 Each Member of Council shall serve on one of the Standing Committees.
- 2.6 Members appointed to the Regional Municipality of Durham Police Services Board shall also be a Member of a Standing Committee.
- 2.7 No Member except the Regional Chair shall serve on more than one Standing Committee.
- 2.8 The term of the Members to Standing Committees shall be for a two year term with appointments to be made at the first meeting of Council after a regular election and in December of the second year of the four year term of Council.

2.9 The term of the Members to the Regional Municipality of Durham Police Services Board shall be for the term of the Council.



## **CORPORATE SERVICES – LEGISLATIVE SERVICES POLICIES AND PROCEDURES MANUAL**

Section B - Corporate Services - Legislative Services General Procedures	Date Originated: January 1, 2018 Revision Date:
Authority/Reference: Council/Regional Clerk	
Subject: <b>Temporary Replacement - Alternate Members of Regional Council</b>	

### **1.0 Purpose:**

- 1.1 To outline the policies and procedures with respect to Alternate Members of Regional Council, if appointed by the lower-tier municipalities.

### **2.0 Definitions:**

- 2.1 “Regional Council Member” means a member duly elected to a lower-tier council and to Regional council in The Regional Municipality of Durham.
- 2.2 “Lower-Tier Council Member” means a member duly elected to the council of a lower-tier municipality within The Regional Municipality of Durham.
- 2.3 “Alternate Council Member” means a Lower-Tier Council Member who has been appointed by the lower-tier council to act as a substitute member on Regional council when another member of that lower-tier Council is unable to attend a Regional council meeting.

### **3.0 Background:**

- 3.1 The Municipal Act Subsection 268 (1) allows that the council of a local municipality may appoint one of its Lower-Tier Council Members as an Alternate Council Member, to act in place of a person who is a member of the councils of the local municipality and its upper-tier municipality, when the person is unable to attend a meeting of the upper-tier council for any reason. This subsection does not authorize the appointment of more than one Alternate Council Member during the term of council, or the appointment by the local municipality of an alternate head of council of the upper-tier municipality.

### **4.0 Policy:**

- 4.1 Each of the eight local area municipalities of Ajax, Brock, Clarington, Oshawa, Pickering, Scugog, Uxbridge, and Whitby, may choose to appoint one (1) of their



## **CORPORATE SERVICES – LEGISLATIVE SERVICES POLICIES AND PROCEDURES MANUAL**

local councillors to act as an Alternate Council Member should one of their regional councillors be unable to attend a Regional Council meeting. Alternate Council Member attendance is limited to Regional Council meetings only.

- 4.2 In accordance with the Act, only one Alternate Council Member is to be appointed by each area municipality. The Alternate Council Member would be appointed for the entire term of Council. Should the seat of the Alternate Council Member become vacant, then the municipality may appoint another member to act as the Alternate Council Member to Regional Council. The area municipal Clerk will notify the Regional Clerk if an Alternate Council Member has been appointed and provide the Regional Clerk with a copy of the Alternate Council Member's oath of office.
- 4.3 Alternate Council Members may only substitute when a Regional Council Member from their area municipality is unable to attend a meeting, substitutions for part of a meeting will not be permitted.
- 4.4 If more than one member is absent from a lower-tier municipality, the alternate may only substitute for one of the absent members from their municipality.
- 4.5 This policy applies to short-term substitutions only such as when a member must be absent for a Council meeting for any reason (planned or unforeseen). Section 267 of the Act may also apply and is a provision the area municipality may consider for longer-term absences.

### **5.0 Procedure re Notification:**

- 5.1 When a Regional Council Member knows that they will not be able to attend a Regional Council meeting and that their municipality's Alternate Council Member will be attending in their place, they should attempt to notify the Regional Clerk, in writing, as soon as possible prior to the meeting. Written notification may be sent to [clerks@durham.ca](mailto:clerks@durham.ca). The Clerk of the area municipality may also send notification on behalf of the Regional Council Member subject to their municipality's procedures, if any.
- 5.2 The Region is not responsible for notifying Alternate Council Members that they are expected to be in attendance. Regional Council Members should refer to their area municipality's procedures, if any, in this regard.
- 5.3 It is understood that unforeseen circumstances may arise when a Regional Council Member is unable to send notification prior to the meeting that an Alternate Council Member will be attending in their place. When notification has not been received by the Regional Clerk prior to the meeting, an Alternate



## **CORPORATE SERVICES – LEGISLATIVE SERVICES POLICIES AND PROCEDURES MANUAL**

Council Member may advise the Clerk, or the Clerk's representative, at the meeting that they are acting as a substitute for a Regional Council Member.

### **6.0 Powers/Duties of the Alternate Council Member:**

- 6.1 While in attendance at a Regional Council meeting, the Alternate Council Member will have all of the same powers and duties as a Regional Council Member e.g. may move motions and vote. The Alternate Council Member must adhere to all applicable policies and procedures that apply to Regional Council Members while in attendance at a meeting e.g. the Region's Procedural By-law and Council Code of Conduct.
- 6.2 The Alternate Council Member will only have the same powers and duties of a Regional Council Member during the meeting they are attending. Prior to, or after the meeting, the Alternate Council Member cannot submit agenda items such as notices of motion, or pull items from the Region's Council Information Package for inclusion on an upcoming Agenda.

### **7.0 Administrative Matters:**

- 7.1 The Regional Clerk's office will maintain a record of the names of the Alternate Council Members appointed by each lower-tier municipality, as provided by the lower-tier municipal clerk.
- 7.2 The minutes of Regional Council meetings will reflect when a Regional Council Member is absent and that a named Alternate Council Member attended in their place.
- 7.3 Alternate Council Members may access the Region's Council agenda package via the web at [www.durham.ca](http://www.durham.ca) or may request a paper copy from the Clerk. Confidential agenda material will only be provided to the Alternate Council Member upon the Regional Clerk being advised that the alternate member will be attending the meeting, or upon attendance at the meeting if notice is not provided.
- 7.4 The Region will make every attempt to prepare for the attendance of an Alternate Council Member provided that sufficient notice is given. Preparation may include updating the name plates in Council Chambers; provision of a paper copy of the Agenda, including any confidential material to be discussed at the meeting in advance of the meeting; and a mileage expense form.



## ***CORPORATE SERVICES – LEGISLATIVE SERVICES POLICIES AND PROCEDURES MANUAL***

- 7.5 Alternate Council Members will receive mileage compensation at the approved corporate rate from the Region for attendance at a meeting. As attendance as an Alternate Council Member is seen as fulfilling part of the duties as a Lower-Tier Council Member, no further compensation from the Region will be provided.
- 7.6 Once appointed, Alternate Council Members will receive a copy of the Region's Procedural By-law and may also request a brief orientation session from the Clerk.

### **8.0 Discrepancies:**

- 8.1 If a discrepancy should arise where a Regional Council Member and an Alternate Council Member are both in attendance at the start of a meeting, the Regional Council Member shall assume their role at the meeting. Regardless of whether the Alternate Council Member is under the belief that they are attending on the Regional Council Member's behalf, they will not be permitted to act in the capacity as Alternate Council Member when the Regional Council Member is in attendance, but may attend the meeting as a public spectator only.
- 8.2 Once the determination has been made that an Alternate Council Member is attending on a Regional Council Member's behalf, the Alternate Council Member shall remain on behalf of the Regional Council Member for the duration of the meeting, regardless of whether the Regional Council Member shows up. The Alternate Council Member will be noted as the member in attendance for the entire meeting and the Regional Council Member may attend the meeting as a public spectator only.

### **9.0 Legal Expense Indemnification**

- 9.1 An Alternate Council Member member will only be considered a Regional Council Member during attendance at a Regional Council meeting. At all other times they will be considered as a private citizen for the purposes of the Region's Legal Expense Indemnification Policy. The Alternate Council Member would not be entitled to Legal Expense Indemnification from the Region for any statutory prosecution or disciplinary proceeding brought against them, unless such action is the result of an incident that occurred during the Alternate Council Member acting in good faith, in the course of their duties, at a Regional Council meeting, if during such time they were acting as an Alternate Council Member member of Regional Council.