

# **COUNCIL**

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**Article 1**  
**SHORT TITLE**

**38.1.1 Citation**

This Chapter may be cited as the "Procedural By-law." By-law 65-91, 18 February, 1991.

**Article 2**  
**INTERPRETATION**

**38.2.1 Clear days - defined**

"clear days" means that where, in Sections 38.4.5.2, 38.5.4.3, and 38.4.5.7 there is a reference to a number of clear days, they shall be counted by excluding the day on which the notice is given and the day of the meeting. By-law 108-07, 9 July, 2007

**38.2.2 Clerk - defined**

"Clerk" means the Clerk or the Deputy Clerk of the Corporation. By-law 65-91, 18 February, 1991.

**38.2.3 Committee - defined**

"committee" means any advisory or other committee, subcommittee or similar entity of which at least fifty per cent of the members are also members of one or more Councils or local boards. By-law 222-02, 9 December, 2002.

**38.2.4 Committee of the Whole - defined**

"Committee of the Whole" means a committee of Council composed of all of the members sitting in committee as Committee of the Whole. By-law 65-91, 18 February, 1991; By-law 246-00, 16 October, 2000.

**38.2.5 Corporation - defined**

"Corporation" means The Corporation of the Town of Richmond Hill.

**38.2.6 Council - defined**

“Council” means the Council of the Corporation. By-law 65-91, 18 February, 1991.

**38.2.7 Council - public meetings - defined**

“Council - public meetings” means regular meetings of Council held for the purpose of holding public meetings under the *Planning Act*, or successor legislation. By-law 65-91, 18 February, 1991; By-law 246-00, 16 October, 2000.

**38.2.7.1 Deputy Mayor - defined**

“Deputy Mayor” means the member of Council who has been appointed to act in the place or stead of the Mayor in the absence or incapacity of the Mayor. By-law 246-00, 16 October, 2000.

**38.2.8 Holiday - defined**

“holiday” means any holiday as defined in the *Interpretation Act*; Boxing Day; and any holiday proclaimed by Council as a civic holiday. By-law 65-91, 18 February, 1991.

**38.2.8.1 Local board - defined**

“local board” means a municipal service board, transportation commission, board of health, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs of purposes of one or more municipalities, and for the purposes of this Chapter, excluding the public library board, police services board, a school board and a conservation authority. By-law 222-02, 9 December, 2002.

**38.2.9 Mayor - defined**

“Mayor” is the member of Council holding the office of Mayor.

**38.2.10 Masculine - feminine - defined**

Words importing male persons include female persons. By-law 65-91, 18 February, 1991.

**38.2.10.1 Meeting - defined**

“meeting” means any regular, special, committee or other meeting of a Council or a local board. By-law 222-02, 9 December, 2002.

**38.2.11 Member - defined**

“member” means a member of Council and includes the Mayor.

**38.2.12 Point of information - defined**

“point of information” is a request directed to the Presiding Officer or to another member or to staff of the Corporation, for information relevant to the business at hand, but not related to a point of procedure. By-law 65-91, 18 February, 1991

**38.2.13 Point of order - defined**

“point of order” is the raising of a question by a member for the purpose of calling attention to any departure from this Chapter or the customary modes or proceedings in debate or in the conduct of the Council’s business. By-law 222-02, 9 December, 2002.

**38.2.14 Point of procedure - defined**

“point of procedure” is a question directed to the Presiding Officer to obtain information on a matter of parliamentary law or the rules of the Council bearing on the business at hand in order to assist a member to make an appropriate motion, raise a point of order or understand the parliamentary situation or the effect of a motion. By-law 65-91, 18 February, 1991.

**38.2.15 Presiding Officer - defined**

“Presiding Officer” means the Mayor or in his absence the Deputy Mayor, or in the absence of both of them, the member appointed under Section 38.6.2 to act in their absence, while presiding at meetings of Council. By-law 65-91, 18 February, 1991; By-law 246-00, 16 October, 2000.

**38.2.16 Question of privilege - defined**

“question of privilege” is the raising of a question which concerns a member or the Council collectively, when a member believes that another member has spoken disrespectfully towards him or the Council, or when he believes his comments have been misunderstood or misinterpreted by another member or members.

**38.2.17 Rules of procedure - defined**

“rules of procedure” means the rules and regulations provided in this Chapter.

**38.2.18 Special committee - defined**

“special committee” means a committee of Council which is established to consider and report on a specific subject, project, or undertaking. By-law 65-91, 18 February, 1991.

**38.2.19 Repealed: By-law 246-00, 16 October, 2000****38.2.20 Substantive land-use planning matter - defined**

“substantive land-use planning matter” means a matter before Council or a committee for a decision which would alter or affect permitted uses on land within the Town and includes a matter which under the *Planning Act* would require a public meeting prior to Council making a decision or taking any action; when there is any debate as to whether or not a matter constitutes a substantive land-use planning matter the decision shall be made by Council at a Council meeting, or by committee at a committee meeting, and its decision shall be final.

**Article 3****GENERAL PROVISIONS****38.3.1 Rules - regulations - observed - by Council**

The rules and regulations contained in this Chapter shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in Council, committees and Committee of the Whole.

**38.3.2 Reference - Bourinot's Rules of Order**

When any matter relating to proceedings in Council or in committees or Committee of the Whole arises which is not covered by a provision of this Chapter, the procedure to be followed shall be decided with reference to Bourinot's Rules of Order.

**38.3.3 Conflict - Bourinot's Rules of Order**

In the event of any conflict between the provisions of this Chapter and the provisions of the authority referred to in Section 38.3.2 the provisions of this Chapter shall apply.

**38.3.4 Conflict - statutory provisions**

The provisions of this Chapter are subject to any statutory provisions in effect from time to time and in the event of any conflict between such statutory provisions and the provisions of this Chapter, the statutory provisions shall apply. By-law 65-91, 18 February, 1991.

**38.3.5 Rules - suspension - alteration - 2/3 consent - required**

Despite Section 38.3.19 or any other provision of this Chapter, in the absence of any statutory obligation the rules and regulations contained in this Chapter may be suspended or altered for a single occasion with the consent of not less than two-thirds of the members present. By-law 222-02, 9 December, 2002.

**38.3.6 Quorum - majority of members**

A quorum of Council shall consist of a majority of the members of the Council.

**38.3.7 Quorum - not present - adjournment - exception**

If at any meeting the number of members is reduced to less than a quorum, subject to the provisions of the *Municipal Conflict of Interest Act*, the Council meeting shall stand adjourned.

**38.3.8 Decisions - Council - expressed - resolutions - by-laws**

The Corporation makes decisions and expresses itself by Council passing resolutions and enacting by-laws.

**38.3.9 Resolutions - by-laws - passed - enacted - majority vote**

Except as otherwise provided, resolutions and by-laws are passed and enacted by majority vote.

**38.3.10 Reconsideration - after six months - any decision**

After a matter has been decided by Council, that matter may be reconsidered during the term of that Council any time after six months after the matter was decided, without the need for a Council resolution that the matter may be reconsidered.

**38.3.11 Reconsideration - within six months - conditions**

After a matter has been decided by Council, that matter may be reconsidered during the term of that Council within six months after the matter was decided, only if Council by majority vote determines that the matter may be reconsidered and if notice for reconsideration has been given and included in the agenda.

**38.3.12 Adjournment - due to hour**

A regular or special meeting of Council shall adjourn at the hour of 11:30 p.m. if in session at that time and shall reconvene at such other day and time as Council by resolution may direct.

**38.3.13 Meeting - extension - majority vote - required - limited**

Despite Section 38.3.12, Council may agree to an extension of a meeting beyond 11:30 p.m., but not beyond 12:30 a.m. the following day, if a majority of the members agree to do so; if the meeting is in session at 11:25 p.m. and Council has not considered whether or not to extend the meeting, the Clerk shall rise and ask whether any member wishes to make such a motion.

**38.3.14 Adjournment - meeting not extended**

If a Council meeting is still in session at 11:30 p.m. or if extended, at 12:30 a.m. the following day, the Clerk shall rise to notify Council and members of the public that the meeting is adjourned and of the date and time to which the meeting is adjourned. By-law 65-91, 18 February, 1991.

**38.3.15 Orders - authority - reserved - with Council**

No order or authority for the Corporation or any of its employees to do any matter or thing shall be recognized as emanating from a committee or Committee of the Whole, the authority of committees and Committee of the Whole being limited to the making of recommendations to Council, provided, despite anything in this Chapter to the contrary, a committee shall have the authority to direct employees to report to it on any matter within that committee's jurisdiction as set forth in this Chapter. By-law 106-91, 18 March, 1991.

**38.3.16 Taping - permitted - exception - closed meetings**

Council and Committee of the Whole meetings which are not closed to the public may be taped by the Clerk or his designate as a means of assisting in the preparation of the minutes of that meeting.

**38.3.17 Taping - broadcasting - permitted - conditions**

Council and Committee of the Whole meetings which are not closed to the public in accordance with the provision of this Chapter may be taped, televised or otherwise electronically or mechanically recorded by a cable television company, by any other licensed telecommunications company, or by any person provided that such taping, televising or recording is carried out in a manner which does not interfere with proceedings at the meeting and provided that such persons and representatives of such companies advise Council or Committee of the Whole at the beginning of the meeting (if they have not so advised the Clerk prior to the meeting) of their intention to record.

**38.3.18 Taping - request - to Clerk - prior notice**

Any telecommunications company wishing to tape a Council or Committee of the Whole meeting is requested to advise the Clerk of its intention at least two hours prior to commencement of the meeting.

**38.3.19 Amendment - repeal - on agenda - consideration**

Subject to Section 38.3.1 and except as otherwise specifically provided elsewhere in this Chapter, no amendment or repeal of this Chapter or any part thereof shall be considered at any meeting of the Council unless the proposal to amend or repeal has been considered at a Committee of the Whole meeting and the waiving of this requirement by the Council is prohibited. By-law 65-91, 18 February, 1991; By-law 246-00, 16 October, 2000.

**38.3.20 Amendment - repeal - majority vote - required**

This Chapter may be amended or repealed by a majority vote of the members present. By-law 65-91, 18 February, 1991.

**Article 4  
MEETING****38.4.1 First meeting - Municipal Act - applicable**

The first meeting of Council after a regular election shall be held in accordance with the provisions of the *Municipal Act, 2001* not later than the 31st day after the term of the new Council commences.

**38.4.2 First meeting - date - place - fixed by Clerk**

The first meeting of Council after a regular election shall be held on the first Monday in December following the election, and the place shall be fixed by the Clerk. By-law 222-02, 9 December, 2002.

**38.4.3 Council business - second - fourth - Monday - monthly**

Except for the first meeting in a term of Council or as otherwise provided regular meetings of Council shall be held on the second and fourth Monday of every month for the purpose of transacting all business of Council other than the holding of public meetings. By-law 65-91, 18 February, 1991; By-law 21-01, 15 January, 2001

**38.4.4 Public meeting - Wednesday - twice monthly**

Except for the first meeting in a term of Council or as otherwise provided regular meetings of Council shall be held on the Wednesday following the first and third Monday of every month for the purpose of holding public meetings. By-law 65-91, 18 February, 1991; By-law 246-00, 16 October, 2000.

**38.4.5 Regular meeting - location**

Unless otherwise specifically set out in the notice for a meeting, all regularly scheduled meetings of Council, Committee of the Whole and Budget Committee of the Whole shall be held in the Council Chambers, Level One, 225 East Beaver Creek Road, Richmond Hill, being the Town's Administrative Building.

**38.4.5.1 Special meeting - other committee meeting - location**

Special meetings of Council, Committee of the Whole and Budget Committee of the Whole and meetings of other committees and boards defined under this Chapter shall be held at a place and time set out in the notice for the meeting. By-law 222-02, 9 December, 2002.

**38.4.5.2 Public notice - regularly scheduled meetings**

Public notice of a regularly scheduled meeting of Council or a committee for the Town of Richmond Hill shall be given by posting to the schedule of meetings on the Town's website not less than five clear days in advance of the date of the meeting.

**38.4.5.3 Public notice - special meetings**

Public notice of a special meeting of Council or a committee shall be given by posting to the schedule of meetings on the Town's website not less than one clear day in advance of the date of the meeting.

**38.4.5.4 Public notice - emergency meetings**

Despite Section 38.4.5.3, public notice of a special meeting of Council or a committee summoned to deal with an emergency shall be given by posting a notice on the door of the Council Chambers or such other place as the meeting is held.

**38.4.5.5 Public notice - education and training meetings**

Despite Sections 38.4.5.2 and 38.4.5.3, public notice of a meeting of Council or a committee that is closed to the public and is held for the purpose of educating or training the members of Council or a committee, as the case may be, shall be given by the passing of a resolution by Council or the committee at a meeting open to the public stating:

- (a) the fact of the holding of the closed meeting;
- (b) the general nature of its subject matter; and
- (c) the legislative provision allowing for the holding of the closed meeting.

**38.4.5.6 Public notice - other closed meetings**

Despite Sections 38.4.5.2 and 38.4.5.3, public notice of a meeting of a Council or a committee meeting that is closed to the public, except a meeting held for the purpose of educating or training the members of Council or a committee, as the case may be, shall be given by the passing of a resolution by Council or the committee at a meeting open to the public stating:

- (a) the fact of the holding of the closed meeting, and
- (b) the general nature of the matter to be considered at the closed meeting.

**38.4.5.7 Public notice - town's website not operational**

Despite Sections 38.4.5.2 and 38.4.5.3, in the event the Town's website is not operational, public notice of a meeting shall be given by posting a notice on the door of the Council Chambers, in the case of a regularly scheduled meeting, not less than five clear days in advance of the date of the meeting and in the case of a special meeting, not less than one clear day in advance of the date of the meeting, and the public notice shall be subsequently posted to the town's website once normal operation has been restored.

**38.4.5.8 Saving**

If, by oversight or otherwise, the notice of a regularly scheduled meeting required by Section 38.4.5.2, the notice of a special meeting of Council or a committee required by Section 38.4.5.3 or the public notice of special meeting of Council or a committee summoned to deal with an emergency required by 38.4.5.4, is not given in the manner prescribed, the meeting of Council or committee, as the case may be, shall not be void or voidable by reason of such failure to give notice or the insufficiency of any notice and no proceeding at that meeting shall be void or voidable by reason of such failure to give notice the insufficiency of any notice. By-law 108-07, 9 June, 2007

**38.4.6 Holiday - meeting - next following day - not holiday**

If a regular meeting falls on a holiday, the meeting shall be at the same hour on the next following day not being a holiday, unless otherwise determined by Council. By-law 65-91, 18 February, 1991.

**38.4.7 Council business - commencement - question period**

Regular meetings referred to in Section 38.4.3 shall commence at 7:30 p.m. and up to the first fifteen minutes shall be an informal question and answer period for members of the public, which question and answer period will not be governed by the provisions of this Chapter. By-law 196-01, 26 November, 2001.

**38.4.8 Public meeting - time - commencement**

Regular meetings referred to in Section 38.4.4 shall commence at 7:30 p.m.

**38.4.9 Additional - subsequent meeting - majority vote**

Council by a majority vote of members present at a regular meeting of Council may determine that a subsequent meeting is to be held on a day or at a time different from that specified in Sections 38.4.3, 38.4.4 and 38.4.6. By-law 65-91, 18 February, 1991.

**38.4.10 Summer recess - no meetings - exception - by resolution**

No regular meetings of Council or Committee of the Whole shall be held during the last two weeks of July or the month of August in any year unless otherwise specified by resolution of Council. By-law 95-06, 12 June, 2006.

**38.4.11 Public meeting - Planning Act - months - prohibited**

Public meetings under the *Planning Act* or successor legislation shall not be held between June 30 and September 1 of any year or between December 16 of any year and January 2 of the subsequent year without the consent of not less than two-thirds of the members present at a regular meeting. By-law 65-91, 18 February, 1991.

**38.4.12 Open to public - exception**

Except as otherwise provided in Sections 38.5.9 through 38.5.12 inclusive, Council meetings shall be open to the public and no person shall be excluded therefrom except for improper conduct. By-law 65-91, 18 February, 1991; By-law 246-00, 16 October, 2000.

**38.4.13 Audience - Council meeting - restrictions**

Members of the public who constitute the audience in the Council chambers during a Council meeting:

- (a) may not address Council without permission of the Council; and
- (b) shall maintain order and quiet.

**38.4.14 Public member - expulsion - improper conduct**

The Presiding Officer at any meeting may cause to be expelled and excluded any member of the public who creates any disturbance or acts improperly during a meeting and if necessary the Presiding Officer shall direct the Clerk to seek the appropriate assistance from the York Regional Police Department.

## Article 5 SPECIAL MEETING

**38.5.1 Summoned - by Mayor - at any time**

The Mayor may at any time summon a special meeting of Council.

**38.5.2 Summoned - by Clerk - majority - petition of Council**

The Clerk, upon receipt of the petition of the majority of members, shall summon a special meeting for the purpose and at the time specified in the petition. By-law 65-91, 18 February, 1991.

**38.5.3 Notice - two days in advance - requirements**

Except as provided in Sections 38.5.4 and 38.5.5, at least two clear working days' notice, in writing, of all special meetings shall be given to all members, either:

- (a) by leaving a copy of the notice with the member;
- (b) by leaving a copy of the notice at the place of residence of the member;
- (c) by leaving a copy of the notice at the place of business of the member; or
- (d) by leaving a copy of the notice at the member's office. By-law 136-91, 22 April, 1991; By-law 222-02, 9 December, 2002.

**38.5.4 Emergency - prior notice - not required**

The notice requirement in Section 38.5.3 shall not apply to a special meeting summoned to deal with a genuine emergency. By-law 65-91, 18 February, 1991.

**38.5.5 Emergency - notice - method**

For a emergency meeting the Clerk shall use his best efforts to give notice of the emergency meeting and the purpose or purposes of the meeting to each member, either verbally or in writing, and notice shall be given as far in advance of the meeting as practicable.

**38.5.6 Business - stated - in notice - other - prohibited**

No business other than that stated in the notice shall be considered at the special meeting. Council may determine with the consent of not less than two-thirds of the membership present to suspend this provision. By-law 222-02, 9 December, 2002

**38.5.7 Request to be notified - specific business**

Where the business to be considered at a special meeting is business of which any person has asked, by written notice to the Clerk, to be given notice, the Clerk or his designate shall use his best efforts to provide such person with notice of the special meeting by telephone or by notice in writing delivered to that person's place of residence or business. The notice shall specify the purpose or purposes of the meeting. By-law 65-91, 18 February, 1991.

**38.5.8 Repealed: By-law 270-95, 2 October, 1995****38.5.9 Closed - may be - reasons**

Despite Section 38.4.12, a meeting or part of a meeting may be closed to the public only if the subject matter relates to:

- (a) the security of the property of the municipality or any local board;

- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land for municipal or local board purposes;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or a local board;
- (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; or
- (g) a matter in respect of which Council, or a committee has authorized a meeting to be closed under any Act. By-law 270-95, 2 October, 1995; By-law 222-02, 9 December, 2002.

**38.5.9.1 Closed - shall be - reasons**

A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the Council or Committee of the Whole is designated as head of the institution for the purposes of the Act. By-law 270-95, 2 October, 1995.

**38.5.9.2 Closed - may be - educational and training meeting**

Despite Section 38.4.12, a meeting may be closed to the public if the meeting is held for the purpose of educating or training the members, provided that, at the meeting, no member shall discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council or committee, as the case may be. By-law 108-07, 9 June, 2007.

**38.5.10 Closed - compliance - statutory requirements**

A meeting or part of a meeting may be closed to the public only if closing the meeting to the public complies with all statutory provisions in effect at that time.

**38.5.11 Closed - resolution - reasons set forth**

Before holding a meeting or part of a meeting that is to be closed to the public, Council shall state by resolution:

- (a) the fact of the holding of the meeting; and
- (b) the general nature of the matters to be considered at the closed meeting.

**38.5.12 Closed - vote - not permitted**

A meeting shall not be closed to the public during the taking of a vote except if:

- (a) Section 38.5.9 or 38.5.9.1 permits or requires a meeting to be closed to the public; and
- (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or persons retained by or under contract with the municipality. By-law 270-95, 2 October, 1995.

## **Article 6 DEPUTY MAYOR**

### **38.6.1 Appointment - by by-law**

At the first meeting or any subsequent meeting of Council, Council by by-law shall appoint a member to act as Deputy Mayor for a duration at the discretion of Council.

### **38.6.2 Appointment - by vote - absence**

In the absence or inability of the Mayor or Deputy Mayor to act, Council, by a majority vote, may appoint any other member to act in the place of the Mayor.

### **38.6.3 Rights - powers - authority - responsibilities**

The member acting as Mayor under this Article shall exercise all the rights and powers and authority and shall assume the responsibility of the head of Council and shall be entitled to vote as a member. By-law 246-00, 16 October, 2000.

## **Article 7 ORDER OF BUSINESS**

### **38.7.1 Quorum - present - meeting - call to order**

When there are sufficient members present to constitute a quorum at the time set for the commencement of the meeting or as soon thereafter as the quorum is present, the Mayor, or if the Clerk has been advised that the Mayor will be absent or late, the Deputy Mayor, shall take the chair and call the meeting to order. By-law 65-91, 18 February, 1991; By-law 246-00, 16 October, 2000.

### **38.7.2 Quorum - not present - in 30 minutes - adjournment**

If there is no quorum within thirty minutes after the time appointed for the meeting, the Clerk shall record the names of all members present at that time and the meeting shall be deemed to be adjourned until the next regular meeting, unless a special meeting is called for that purpose in the meantime. By-law 65-91, 18 February, 1991.

**38.7.3 Mayor absent - Deputy Mayor - call to order - presiding**

In the event the Mayor does not attend within fifteen minutes after the time appointed, the Deputy Mayor shall assume the chair, call the members to order, and if a quorum is present preside during the meeting or until the arrival of the Mayor. By-law 65-91, 18 February, 1991; By-law 246-00, 16 October, 2000.

**38.7.4 Mayor - Deputy Mayor - absent - procedure**

In the absence of the Mayor and Deputy Mayor, if a quorum is present within 15 minutes after the appointed time, the Clerk shall call the meeting to order and a Chair shall be chosen from the members present, who shall preside during the meeting or until the arrival of the Mayor or Deputy Mayor. By-law 222-02, 9 December, 2002.

**38.7.5 Adjournment - agenda - consideration - subsequent**

If Council is unable to meet for want of a quorum the agenda delivered for that meeting shall be considered at the next regular meeting of Council prior to consideration of the agenda for the subsequent meeting or it shall be the agenda for a special meeting called for that purpose.

**38.7.6 Order of business - set out in agenda**

The normal order of business for regular and special meetings of Council shall be as set forth in the agenda.

**38.7.7 Order of business - alteration - majority vote**

When an alteration of the order of business is desired for the convenience of the meeting, Council may by a majority vote make any such alteration to the order of the business. By-law 65-91, 18 February, 1991.

## **Article 8 AGENDA**

**38.8.1 Consent agenda - consideration of recommendations**

All or several items on the agenda for regular meetings of Council (other than Council - public meetings), containing recommendations from the Clerk, from the Committee of the Whole, from other committees, or from staff may be adopted in a single motion of Council, but any of these items will be transferred to the regular agenda for consideration and debate upon the request of any member. By-law 65-91, 18 February, 1991; By-law 246-00, 16 October, 2000.

**38.8.2 Headings - order - prepared by Clerk**

The Clerk shall prepare for the use of members at all regular meetings of Council, other than Council Public Meetings, an agenda under the following headings:

- (a) question and answer period (not exceeding fifteen minutes);

- (b) call to order/prayer;
- (c) adoption of agenda;
- (d) declaration of intention to raise other business;
- (e) disclosures of pecuniary interest and general nature thereof;
- (f) adoption of previous Council meetings;
- (g) separation of issues requiring discussion;
- (h) adoption of the remainder of agenda items;
- (i) presentation(s);
- (j) public hearing(s);
- (k) delegation(s);
- (l) consideration of issues separated for discussion;
- (m) motion(s);
- (n) notice(s) of motion;
- (o) by-laws;
- (p) new business;
- (q) resolution to move into closed session and general nature thereof;
- (r) resolution to reconvene in open session;
- (s) adoption of recommendations arising from closed session (if any);
- (t) by-law to confirm the proceedings of Council at this meeting;
- (u) adjournment. By-law 95-06, 12 June, 2006.

### **38.8.3 Submissions - listed - public matters**

The Clerk shall have prepared for the use of the members at all Council - public meetings an agenda which shall include all submissions in respect of advertised public meeting matters, other *Planning Act* matters and any other matters to be dealt with at the meeting.

### **38.8.4 Delivery - to members - prior to meeting**

The Clerk shall use his best efforts to ensure that copies of the agenda for regular meetings of Council are delivered or mailed to each member so that they will be received in each case by the Friday immediately preceding the meeting.

**38.8.5 Distribution - to officials - staff - public library**

The Clerk shall use his best efforts to ensure that copies of the agenda for regular meetings of Council are distributed to all Corporation officials and staff who are entitled to receive copies thereof and made available to the general public at the municipal offices and central library by 4:30 p.m. on the Friday immediately preceding the meeting. By-law 65-91, 18 February, 1991.

**38.8.6 Not delivered - on schedule - meeting valid**

Failure by the Clerk to meet that schedule set out in Sections 38.8.4 and 38.8.5 will not invalidate the Council meeting or any proceeding thereat. By-law 222-02, 9 December, 2002.

**38.8.7 Submissions - to Clerk - deadline - Council meetings**

All submissions for inclusion in the agenda for regular meetings of Council including notices of motion pursuant to Sections 38.14.26 through 38.14.29 inclusive shall be in the hands of the Clerk not later than 12 noon on the Monday prior to the date on which the agenda is to be distributed to members. By-law 95-06, 12 June, 2006.

**38.8.8 Special meeting - preparation - requirements**

For special meetings, the agenda shall be prepared as the Mayor, or in the case of a petition, the Clerk, may direct. By-law 65-91, 18 February, 1991.

**38.8.9 Submission - to Clerk - deadline - public meetings**

All submissions for inclusion in the agenda for public meetings of Council shall be in the hands of the Clerk not later than 12 noon on that day which is fourteen calendar days prior to the date of the meeting. By-law 95-06, 12 June, 2006.

**38.8.10 Repealed: By-law 93-96, 15 April, 1996****Article 9****COMMUNICATION - PETITION****38.9.1 Included on agenda - by Clerk**

On receipt of a communication or a petition intended for Council the Clerk may include it as an item on the agenda for the next regular meeting of Council for which the Clerk is accepting agenda items in full or in summary form as he sees fit. By-law 65-91, 18 February, 1991.

**38.9.2 Referred to Committee of the Whole - all information**

On receipt of a communication or a petition intended for Council the Clerk may refer it to the Committee of the Whole together with any necessary reports from the relevant departments. By-law 65-91, 18 February, 1991; By-law 246-00, 16 October, 2000.

**38.9.3 Referred to department head - copy to Council**

On receipt of a communication or a petition intended for Council the Clerk may refer it to a department head for reply and send a copy of the communication to all members. By-law 65-91, 18 February, 1991.

**38.9.4 Request for action - report required - exception**

Communications listed in the agenda which contain a request for action on the part of Council shall not be acted upon without Council first receiving a report from staff or from the Committee of the Whole or local board unless the action is of a routine or congratulatory nature.

**Article 10  
DELEGATION****38.10.1 Direction - by Clerk - to Committee of the Whole - Council**

Delegations shall be directed by the Clerk to the Committee of the Whole except where the delegation wishes to address Council with respect to a matter which will be before Council at the same meeting and except where the Clerk determines that the matter is of such an urgent nature that there is insufficient time to send the delegation to Committee of the Whole. By-law 65-91, 18 February, 1991; By-law 246-00, 16 October, 2000.

**38.10.2 Clerk - to advise - on policy**

The Clerk shall advise persons and groups wishing to appear before Council of the policy set out in Section 38.10.1.

**38.10.3 Address - matter on agenda - prior notice**

When a person or a representative of any group of persons wishes to address Council on a matter which is included in the agenda, he shall so advise the Clerk, in writing, prior to 12:00 noon on the day of the meeting. By-law 65-91, 18 February, 1991.

**38.10.4 Address - not on agenda - notice - explanation**

When a person or a representative of any group of persons wishes to address Council, rather than Committee of the Whole on a matter which is not included in the agenda, he shall so advise the Clerk, in writing, prior to 12 noon on the Monday of the week preceding the week of the meeting and he shall include his reasons for requesting to address Council rather than Committee of the Whole. By-law 95-06, 12 June, 2006.

**38.10.5 Address - requested - justified - added to agenda**

Where the Clerk is satisfied that the matter should go directly to Council, the Clerk shall include the delegation in the agenda. By-law 69-91, 18 February, 1991.

**38.10.6 Address - requested - unjustified - added to next agenda**

If the Clerk is not satisfied with the reasons set out in Section 38.10.4 the Clerk will include the delegation in the next agenda for the Committee of the Whole meeting and so advise the person or group representative. By-law 65-91, 18 February, 1991.

**38.10.7 Address - requested - at meeting - majority consent**

No person or representative of any group of persons will be permitted to address Council without the consent of a majority of the members present, other than persons entitled by statute to be heard or persons invited by notice authorized by Council, who has not advised the Clerk of their wish to address Council in accordance with the provisions of Section 38.10.3 and Sections 38.10.4 through 38.10.6 inclusive and, with respect to advice under Section 38.10.6, who have not been included in the agenda by the Clerk. By-law 222-02, 9 December, 2002.

**38.10.8 Address - maximum duration - limitations**

Except with consent of Council, no person shall address Council for more than five minutes, exclusive of the time required to answer questions put to him by Council, except that a group of persons may have more than one spokesman provided that the total length of time such spokesmen address Council shall not exceed ten minutes, exclusive of the time required to answer questions put to them by Council.

**38.10.9 Repealed: By-law 93-96, 15 April, 1996****Article 11****PRESIDING OFFICER - DUTY****38.11.1 Meeting - call to order**

It shall be the duty of the Presiding Officer to open meetings of Council by taking the chair and calling the meeting to order.

**38.11.2 Motion - written - received - submitted**

It shall be the duty of the Presiding Officer to receive and submit, in the proper manner, all written motions presented by members.

**38.11.3 Vote - put to - questions - announce result**

It shall be the duty of the Presiding Officer to put to a vote all questions which are regularly moved and seconded or necessarily arise in the course of proceedings, and to announce the result.

**38.11.4 Rules of order - determination - motions - amendments**

It shall be the duty of the Presiding Officer to determine what motions or amendments are in order, subject to an appeal to Council, and decline to put any motion or amendment before Council which he deems to be clearly out of order or contrary to law.

**38.11.5 Rules of procedure - maintained**

It shall be the duty of the Presiding Officer to follow the rules of procedure and keep the members, when engaged in debate, within the rules of procedure.

**38.11.6 Order - decorum - enforcement - preservation**

It shall be the duty of the Presiding Officer to observe order and decorum and enforce on all occasions the observance of order and decorum among the members.

**38.11.7 Order - to vacate seat - procedure - requirement**

It shall be the duty of the Presiding Officer to call by name any member persisting in breach of the rules of procedure and, subject to a majority vote of members present, order him to vacate the Council chambers.

**38.11.8 Messages - communications - receipt - announcements**

It shall be the duty of the Presiding Officer to receive all messages and other communications and announce them to the Council.

**38.11.9 By-laws - resolutions - minutes - authentication**

It shall be the duty of the Presiding Officer to authenticate by his signature, when necessary, all by-laws, resolutions and minutes of Council. By-law 65-91, 18 February, 1991.

**38.11.10 Point of order - information - to Council**

It shall be the duty of the Presiding Officer to respond to Council regarding points of order, when so requested by a member or members. By-law 222-02, 9 December, 2002.

**38.11.11 Member - selection - committees - as required**

It shall be the duty of the Presiding Officer to select members who are to serve on committees when directed to do so by resolution of the Council or a rule of procedure.

**38.11.12 Representation - support - Council**

It shall be the duty of the Presiding Officer to represent and support Council, declaring its will and implicitly obeying its decisions in all things.

**38.11.13 Adjournment - suspension - meeting - when necessary**

It shall be the duty of the Presiding Officer if he considers it necessary because of grave disorder, to adjourn the sitting without question put or suspend the sitting for a time to be named by him. By-law 65-91, 18 February, 1991.

**Article 12**  
**RULES OF CONDUCT - DEBATE**

**38.12.1 Speaking - Presiding Officer - to leave chair**

The Presiding Officer may answer questions and comment in a general way while continuing to chair the meeting but if he wishes to speak on a question taking a definite position and endeavouring to persuade Council to support that position, he first shall call on the Deputy Mayor, if he is present and not the Presiding Officer, or otherwise call on any other member to chair the meeting while that question is being discussed. By-law 65-91, 18 February, 1991; By-law 246-00, 16 October, 2000.

**38.12.2 Speaking - order - determined - by Presiding Officer**

When two or more members wish to speak, the Presiding Officer shall name the member who is to speak first.

**38.12.3 Speaker - recognition - by Presiding Officer**

When a member wishes to speak at a Council meeting he shall be recognized by the Presiding Officer before doing so.

**38.12.4 Speaking - twice only - exception - Council approval**

Members shall not speak more than twice on a motion except with the consent of Council.

**38.12.5 Speaking - twice - all members heard from**

No member shall speak a second time unless all members have had an opportunity to speak once.

**38.12.6 Motion - member making - additional 3 minutes**

Despite Sections 38.12.3 through 38.12.5 inclusive, the member who has made a motion (other than a motion for an amendment or a procedural motion) shall be allowed to close the debate for a maximum of an additional three minutes after all other members have been given an opportunity to speak.

**38.12.7 Speaking - time limitation**

A member shall speak for a maximum of five minutes each time speaking on a main motion and three minutes each time speaking on any amendment.

**38.12.8 Question - put through - Presiding Officer**

A member may ask a question of a previous speaker only through the Presiding Officer and the question must be stated concisely and relate to the speaker's remarks but, in any event a member may ask a question of the Presiding Officer or of staff through the Presiding Officer prior to the motion being put to a vote.

**38.12.9 Motion - in debate - read - at any time**

Any member may require the motion under debate to be read at any time during the debate. By-law 65-91, 18 February, 1991.

**38.12.10 Disturbance - disorderly conduct - prohibited**

No member shall disturb the proceedings of Council or another member by any disorderly conduct. By-law 222-02, 9 December, 2002.

**38.12.11 Insults - offensive words - prohibited**

No member shall use offensive words or insulting expressions in referring to Council, any member, any official of the Town or any member of the public.

**38.12.12 Disobedience - rules - Presiding Officer - prohibited**

No member shall disobey the rules of procedure or decision of the Presiding Officer or of Council on questions of order or practice or upon the interpretation of the rules of procedure.

**38.12.13 Disturbance - leaving seat - during vote - prohibited**

No member shall leave his seat or make any noise or disturbance while a vote is being taken or until the result is declared.

**38.12.14 Interruption - speaker - prohibited - exception**

No member shall interrupt a member while speaking, except to raise a point of order or question of privilege.

**Article 13****QUESTION OF PRIVILEGE - POINT OF INFORMATION  
ORDER - PROCEDURE****38.13.1 Consideration - immediate**

Whenever a question of privilege or a point of procedure arises it shall be considered immediately.

**38.13.2 Question of privilege - procedure - over all matters**

A member may rise at any time on a question of privilege and a question of privilege shall take precedence over all other matters.

**38.13.3 Point of information - answer - by Presiding Officer**

When a point of information is raised, the Presiding Officer shall answer the question or direct the question to the appropriate member or staff member.

**38.13.4 Speaker - interruption - decision - Presiding Officer**

A member may interrupt the person who has the floor to raise a point of order or a point of procedure when such member feels that there has been a deviation or departure from the rules of procedure and upon hearing such point of order or point of procedure, the ruling of the Presiding Officer shall be final

unless a challenge is made pursuant to Sections 38.13.5 and 38.13.6. The Presiding Officer shall state the rule or authority applicable in the case.

**38.13.5 Chair - challenged - overruled - procedure**

Whenever a member wishes to challenge the ruling of the Chair on a point of order or point of procedure (including a determination that a motion is out of order) he shall make a motion substantially as follows: "That the decision of the Chair be overruled." Thereafter the question shall be put to Council and Council shall decide the matter, by majority vote of members present, immediately without debate and this decision shall be final. By-law 65-91, 18 February, 1991.

**38.13.6 Chair - challenge - refused - by Chair - procedure**

If the Presiding Officer refuses to put the question "That the decision of the Chair be overruled" the Council forthwith shall request the Deputy Mayor to put the question or if the Deputy Mayor is the Presiding Officer or is absent or refuses to put the question, any member shall be entitled to put the question before Council from the floor. By-law 65-91, 18 February, 1991; By-law 246-00, 16 October, 2000.

**38.13.7 Call to order - member - decision to expel**

In the event that a member persists in a breach of Sections 38.12.10 through 38.12.14 inclusive, after having been called to order by the Presiding Officer, the Presiding Officer shall without debate put the motion:

"Shall the member be ordered to leave his or her seat for the duration of the meeting?"

**38.13.8 Expulsion - ordered - member to leave - exception**

If Council decides in the affirmative by a majority of the members present, the Presiding Officer shall order the member to leave his seat for the duration of the meeting, but if the member apologizes, the Presiding Officer, with the approval of Council, may permit him to resume his seat.

**Article 14  
MOTION - ORDER**

**38.14.1 Moved - seconded - before debate - vote**

A motion shall be moved and seconded before being debated or put to a vote.

**38.14.2 Withdrawal - at any time - before vote**

After a motion has been moved and seconded, it is in the possession of Council for consideration but, with the consent of the majority of Council and without debate, it may be withdrawn at any time before it has been voted on.

**38.14.3 Public - to be heard - only after hearing**

If members of the public are to be heard on a matter, no motion shall be received until they have been heard.

**38.14.4 Put - public participation - prohibited**

No further public participation on a matter will be allowed after the motion has been duly made and seconded.

**38.14.5 Debate - amendment - permitted**

All motions which properly are before Council for consideration are open to debate and may be amended except as specifically provided elsewhere in this Chapter.

**38.14.6 In order - procedure**

When a motion has been moved and seconded and is being considered by Council, no motion shall be received except a motion:

- (a) to adjourn the meeting;
- (b) to proceed beyond the hour of 11:30 p.m.;
- (c) to close the debate;
- (d) to table the question;
- (e) to refer the question to some other person or group for consideration;
- (f) to defer the question to a certain time or date;
- (g) to amend the amendment; or
- (h) to amend the main motion;

which shall have precedence in the order in which they are named as more particularly referred to in the chart set out in Schedule 'A'.

**38.14.7 Adjourn - requirements**

A motion to adjourn:

- (a) shall not be amended or debated; and
- (b) shall always be in order except when a member is speaking or the members are voting.

**38.14.8 Adjourn - time specified - amendable**

Despite Section 38.14.7 where a motion to adjourn includes the time at which the adjourned meeting will continue, that motion may be amended and debated as to that time.

**38.14.9 Proceed - beyond 11:30 p.m. - requirements**

A motion to proceed beyond the hour of 11:30 p.m.:

- (a) shall not be amended or debated; and
- (b) shall always be in order except when a member is speaking or the members are voting. By-law 65-91, 18 February, 1991.

**38.14.10 Close debate - requirements**

A motion to close the debate:

- (a) shall not be amended or debated;
- (b) shall not be received in any committee or in the Committee of the Whole; and
- (c) requires the affirmative vote of two-thirds of the members present. By-law 65-91, 18 February, 1991; By-law 246-00, 16 October, 2000.

**38.14.11 Repealed: By-law 93-96, 15 April, 1996****38.14.12 Repealed: By-law 93-96, 15 April, 1996****38.14.13 Refer - requirements**

A motion to refer a matter under consideration to Committee of the Whole, a special committee or to staff:

- (a) shall be open to debate and may be amended; and
- (b) shall include the terms on which the motion is being referred, the time at which the matter is to be returned and whatever explanation may be necessary as to the purpose of the motion. By-law 65-91, 18 February, 1991; By-law 246-00, 16 October, 2000.

**38.14.14 Defer - requirements**

A motion to defer to a certain time or date:

- (a) shall be open to debate as to advisability of postponement; and
- (b) may be amended as to the time or date to which the matter is deferred.

**38.14.15 Amendment - requirement**

A motion to amend:

- (a) shall be open to debate;
- (b) shall not be directly contrary to the main motion; and
- (c) shall relate to the subject matter of the main motion.

**38.14.16 Amendment - one at a time - limitation**

Only one amendment at a time shall be presented to the main motion and only one amendment at a time shall be presented to an amendment.

**38.14.17 Amendment - put - reverse order - voting procedure**

The Presiding Officer shall put amendments in the reverse order to which they have been moved and when all amendments are voted upon, the Presiding Officer shall put the main motion, incorporating any adopted amendments.

**38.14.18 Introduction - without notice - leave**

Except as otherwise provided in this Chapter, the motions set out in Sections 38.14.19 through 38.14.25 inclusive, may be introduced orally without notice and without leave.

**38.14.19 Matter - on agenda**

A motion on any subject matter that appears on the agenda for that meeting may be introduced orally without notice and without leave.

**38.14.20 Procedure - introduced orally**

Motions listed in Section 38.14.6 may be introduced orally without notice and without leave.

**38.14.21 Suspend - rules - regulations**

A motion to suspend the rules and regulations of this Chapter may be introduced orally without notice and without leave.

**38.14.22 Point of order - procedure - information - privilege**

A motion on a point of order, point of procedure, point of information or question of privilege may be introduced orally without notice and without leave.

**38.14.23 Second - third reading - of by-law**

A motion for second or third reading of a by-law where first reading or first and second reading of the by-law was given at that meeting, may be introduced orally without notice and without leave.

**38.14.24 Repealed: By-law 246-00, 16 October, 2000****38.14.25 Other - routine - as required**

Other motions made upon routine proceedings as may be required for the observance of the proprieties of Council; the maintenance of the authority of Council; the appointment or conduct of its officers; the management of its business; the arrangement of its proceedings; the correctness of its records; or the fixing of its meetings or the dates and times of its meetings, may be introduced orally without notice and without leave. By-law 65-91, 18 February, 1991.

**38.14.26 New - notice - to Clerk - time limitation**

A member wishing to introduce a new motion, other than a motion referred to in Sections 38.14.18 through 38.14.25 inclusive, for consideration by Council shall deliver the motion, in writing, to the Clerk not later than 12 noon on the Monday in the week that immediately precedes the week of the meeting. By-law 95-06, 12 June, 2006.

**38.14.27 New - printed in full - on agenda**

The new motion mentioned in Section 38.14.26 shall be printed in full in the agenda for that meeting of the Council. By-law 196-01, 26 November, 2001.

**38.14.28 New - in writing - mover - seconder - signature**

The new motion mentioned in Section 38.14.26 shall be submitted to the Clerk in writing over the signature of the mover and seconder and shall be complete. By-law 65-91, 18 February, 1991.

**38.14.29 Land-use planning matter - to Committee of the Whole**

Despite Sections 38.14.26 through 38.14.28 inclusive, a motion relating to a substantive land-use planning matter must go to a Committee of the Whole meeting before it is dealt with by Council. The waiving of this requirement will only be permitted if the substantive land-use planning matter in question has been received by the Clerk's office not later than the Monday in the week that immediately precedes the week of the Council meeting and placed on a regular Council agenda. By-law 95-06, 12 June, 2006.

## Article 15 VOTING

**38.15.1 Motion - multiple - distinct propositions**

When a motion under consideration contains two or more distinct propositions, where any member so requests the vote upon each proposition shall be taken separately.

**38.15.2 Motion - after all spoken - put by Presiding Officer**

The Presiding Officer shall put a motion to a vote immediately after all members desiring to speak on the motion have spoken.

**38.15.3 Motion - put to vote - speaking - prohibited**

After a motion is put to a vote by the Presiding Officer, no member shall speak to that motion.

**38.15.4 Motion - vote - required - unless disqualified**

Each member present, except the Mayor, shall vote on every motion unless the member is disqualified to vote by reason of a conflict of interest or other statutory disqualification.

**38.15.5 Failure - to vote - deemed negative - exception**

Every member, except the Mayor, present at a meeting who is not disqualified from voting in accordance with Section 38.15.4, shall be deemed to be voting against the motion if he fails to vote.

**38.15.6 Mayor - to vote - after members - exception**

The Mayor may vote after the other members have voted except when the Mayor is disqualified from voting by reason of a conflict of interest or other statutory disqualification, in which case he shall leave the chair.

**38.15.7 Equality of votes - decision - deemed negative**

Any motion which receives an equal division of votes shall be deemed to have been decided in the negative.

**38.15.8 Method - show of hands - exception - recorded vote**

Except for a recorded vote, voting shall be by show of hands.

**38.15.9 Result - announced - by Presiding Officer**

The Presiding Officer shall announce the result of every vote.

**38.15.10 Result - disagreement - immediate - vote retaken**

If a member disagrees with the announcement by the Presiding Officer of the result of any vote, he may object immediately to the Presiding Officer's declaration and require that the vote be retaken.

**38.15.11 Recorded vote - when requested - or required**

A recorded vote shall be taken when called for by any member immediately prior or immediately subsequent to the taking of a vote or when required by law or under this Chapter.

**38.15.12 Recorded vote - alphabetical order**

When a recorded vote is taken all members including the Mayor must vote in alphabetical order, unless disqualified by statute and any failure to vote by a member including the Mayor who is not disqualified shall be deemed to be a negative vote.

**38.15.13 Names - votes - negative - position - recorded**

The names of those who voted for and those who voted against the motion shall be entered in the minutes.

**38.15.14 Majority - requirement - by by-law**

Whenever this Chapter requires a vote of a simple majority or two-thirds or all of Council, the requirement shall be interpreted as meaning such majority, fraction or total of the members who are present and qualified to vote on the matter provided that this Chapter or a relevant statute does not specify differently.

**38.15.15 Greater than majority - required - recorded vote**

Whenever this Chapter or any statute requires that a by-law be passed or any other action taken by a vote of two-thirds or any other fraction of Council greater than a majority, that vote shall be taken by recorded vote.

**38.15.16 Greater than majority - matters - Schedule 'B'**

The matters for which this Chapter calls for a vote greater than a simple majority are listed in Schedule 'B' to this Chapter. By-law 65-91, 18 February, 1991.

**Article 16  
BUSINESS****38.16.1 New business - consideration - requirements**

No member shall present any matter to Council for its consideration unless:

- (a) the matter appears on the agenda for that meeting; or
- (b) it is in accordance with Sections 38.14.8 through 38.14.25 inclusive; or
- (c) Council by majority vote grants leave to present the matter without prior notice provided however that Council shall not grant leave to consider a substantive land-use planning matter

that has not been included in the agenda. By-law 65-91, 18 February, 1991; By-law 68-92, 2 March, 1992.

**38.16.2 Motion - not on agenda - Presiding Officer - advised**

The Presiding Officer shall be advised of any motions proposed to be introduced which are not in the agenda and which do not come within Sections 38.14.18 through 38.14.25 inclusive following adoption of the agenda By-law 65-91, 18 February, 1991.

**38.16.3 Motion - not on agenda - request - new business**

The Chief Administrative Officer of the Corporation during the period allotted for new business on the agenda may request that Council consider a matter not included in the agenda which calls for immediate and urgent consideration and Council shall determine whether or not to consider this matter provided, however, that Council shall not grant leave to consider a substantive land-use planning matter that has not been included in the agenda. By-law 95-06, 12 June, 2006.

**38.16.4 Repealed: By-law 222-02, 9 December, 2002**

**Article 17**

**BY-LAW**

**38.17.1 Consideration - approval - by Council**

No by-law shall be presented to Council unless the subject matter thereof has been considered and approved by Council.

**38.17.2 Introduction - by member - title read - 3 readings**

Every by-law shall be introduced upon a motion by a member specifying the title of the by-law and shall receive three readings before it is passed.

**38.17.3 Vote - on third reading - majority - required**

A by-law shall be passed when a majority of the members present on the third reading vote in favour of the by-law, provided no statute requires a greater majority.

**38.17.4 Reading - three - same day - permitted - exception**

Unless otherwise provided by law, a by-law may receive all three readings on the same day.

**38.17.5 Amendment - part of by-law - inserted by Clerk**

All amendments to any by-law approved by the Council shall be deemed to be incorporated into the by-law and if the by-law is enacted and passed by Council, the amendments shall be inserted therein by the Clerk.

**38.17.6 Consent Agenda process**

Nothing in this Article shall prevent Council from giving three readings to proposed by-laws as part of the Consent Agenda process provided that upon the request of any member, a proposed by-law will be transferred to the regular Agenda.

**Article 18  
MINUTES****38.18.1 Information - requirements - taken by Clerk**

The Clerk shall take minutes of each Council meeting which minutes shall record, without note or comment:

- (a) the place, date and time of meetings;
- (b) the name or names of the presiding member or members and the record of attendance of the members;
- (c) the reading, and if requested, correction and adoption of the minutes of prior meetings; and
- (d) all resolutions, decisions and other proceedings of Council.

**38.18.2 Previous meeting - read aloud - majority request**

The minutes of the previous meeting shall not be read aloud unless requested by a majority of the members. By-law 65-91, 18 February, 1991.

**Article 19  
COMMITTEE****38.19.1 Establishment - special committees - as necessary**

Council may appoint such special committees as are necessary or expedient for the orderly and efficient handling of the affairs of the Corporation and may establish generally or in detail the duties and responsibilities, composition, and duration of a committee established. By-law 65-91, 18 February, 1991; By-law 246-00, 16 October, 2000.

**38.19.1.1 Citizen member - declaration of appointment**

In the case of a citizen member appointed to a standing, special, or advisory committee of Council, such citizen member shall, prior to taking his or her appointed office, make and subscribe to the declaration of appointed office set forth below:

THE CORPORATION OF THE TOWN OF RICHMOND HILL  
DECLARATION OF APPOINTED OFFICE

I, \_\_\_\_\_, having been appointed to the (committee name) \_\_\_\_\_, in the municipality of the Town of Richmond Hill, do solemnly promise and declare that:

- 1. I will truly, faithfully and impartially, exercise this appointment to the best of my knowledge and ability.
- 2. I have not received and will not receive any payment or reward, or promise thereof, for the exercise of this appointment in a biased, corrupt, or other improper manner.
- 3. I will disclose any pecuniary interest, direct or indirect, in accordance with the *Municipal Conflict of Interest Act*.

And I make this solemn promise and declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the	)	
Town of Richmond Hill in the	)	
Regional Municipality of York on	)	_____
		Signature of Declarant

\_\_\_\_\_, 20\_\_

Commissioner for Taking Affidavits

By-law 95-06, 12 June, 2006.

**38.19.2 Budget Committee of the Whole - establishment**

There shall be a Budget Committee of the Whole.

**38.19.3 Budget Committee of the Whole - responsibilities**

The Budget Committee of the Whole shall address matters and issues relating to the preparation, administration and monitoring of the budget of the Corporation and other current and long-range fiscal planning for the Corporation.

**38.19.4 Budget Committee of the Whole - Chair - Vice-Chair**

At the beginning of each new term of Council, Council shall appoint a Chair and Vice-Chair to the Budget Committee of the Whole or determine a system for rotation of Chair and Vice-Chair.

**38.19.5 Budget Committee of the Whole - meetings - day - time**

Meetings of the Budget Committee of the Whole may be called by the Committee Chair whenever he considers it necessary.

**38.19.6 Budget Committee of the Whole - business - procedure**

The business of the Budget Committee of the Whole shall be conducted in accordance with the rules governing the procedure of Committee of the Whole, except as set out in Sections 38.20.7, 38.20.8 and 38.20.13. By-law 21-01, 15 January, 2001.

**38.19.7 Licence Hearings Committee - establishment**

There shall be a Licence Hearings Committee and it shall be comprised of five Members of Council, to be appointed on a rotational basis.

**38.19.8 Mayor - ex officio member**

The Mayor shall be an ex officio member of the Committee.

**38.19.9 Licence Hearings Committee - responsibilities**

The Licence Hearings Committee shall address matters and issues relating to the hearing of business licence entitlements of business owners and operators at licence hearings scheduled before it and provide its recommendations to Council for the passing of the by-law or the making of the decision.

**38.19.10 Licence Hearings Committee - Chair - Vice-Chair**

At the beginning of each new term of Council, Council shall appoint a Chair and Vice-Chair to the Licence Hearings Committee or determine a system for rotation of Chair and Vice-Chair.

**38.19.11 Licence Hearings Committee - meetings - day - time**

Meetings of the Licence Hearings Committee may be called by the Committee Chair whenever he considers it necessary.

**38.19.12 Licence Hearings Committee - business - procedure**

The business of the Licence Hearings Committee shall be conducted in accordance with the rules governing the procedure of the Committee of the Whole, except as set out in 38.20.13. By-law 263-04, 13 December, 2004.

**38.19.13 Repealed: By-law 246-00, 16 October, 2000****38.19.14 Repealed: By-law 246-00, 16 October, 2000****Article 20****COMMITTEE OF THE WHOLE - PROCEDURE****38.20.1 Agenda - prepared by Clerk**

The Clerk shall prepare an agenda for all Committee of the Whole meetings in the form described in Section 38.8.2 so far as applicable. By-law 246-00, 16 October, 2000.

**38.20.2 Agenda - delivery - to members - prior to meetings**

The Clerk shall use his best efforts to ensure that copies of the agenda for regular meetings of Committee of the Whole are delivered or mailed to each Committee of the Whole member so that they will be received in each case on the Wednesday of the week preceding the week of the meeting.

**38.20.3 Agenda - to officials - staff - public library**

The Clerk shall use his best efforts to ensure that copies of the agenda for regular meetings of Committee of the Whole are distributed to all Corporation officials and staff who are entitled to receive copies thereof and made available to the general public at the municipal offices and central library by 12 noon on the Wednesday of the week preceding the week of the meeting. By-law 95-06, 12 June, 2006.

**38.20.4 Agenda - not delivered - on schedule - meeting valid**

Failure by the Clerk to meet the schedule set out in Sections 38.20.2 and 38.20.3 will not invalidate the Committee of the Whole meeting or any proceedings thereat.

**38.20.5 Agenda - submission - deadline - Committee of the Whole**

All submissions for inclusion in the agenda for regular meetings of Committee of the Whole shall be in the hands of the Clerk not later than 12 noon on that day which is the Monday, two weeks prior to the week of the meeting. By-law 95-06, 12 June, 2006.

**38.20.6 Agenda - special meetings - preparation**

For special meetings of the Committee of the Whole, the agenda shall be prepared as the Committee Chair, or in the case of a petition, the Clerk, may direct. By-law 246-00, 16 October, 2000.

**38.20.7 Chair - rotation**

The Chair of the Committee of the Whole meeting shall be rotated on a six-monthly basis alphabetically among the two Regional and Local Councillors and the six Ward Councillors.

**38.20.8 Vice-Chair - rotation**

The Vice-Chair of the Committee of the Whole shall be the Regional and Local Councillor or Ward Councillor having just completed his/her term as Chair. By-law 50-07, 23 April, 2007.

**38.20.9 Chair - to preside - all meetings - voting authority**

The Committee Chair, or in his absence the Vice-Chair, or in the absence of both, such other member of the committee as may be chosen by the committee, shall preside at every meeting and may vote on all questions submitted.

**38.20.10 Vote - equal - deemed - negative**

In a case of an equal division of votes, the Committee Chair shall not have a second or casting vote and the question shall be deemed to have been decided in the negative.

**38.20.11 Presiding Officer - powers - responsibilities**

Except as otherwise provided in this Chapter, the committee member presiding at a Committee of the Whole meeting, while presiding, shall have all of the powers and responsibilities of the Presiding Officer at a meeting of Council.

**38.20.12 Quorum - majority of members**

A quorum of any Committee of the Whole shall be the majority of its members.

**38.20.13 Meeting - day - time**

Meetings of the Committee of the Whole shall be held on the first and third Mondays of each month commencing at 4:30 p.m.

**38.20.14 Special meeting - called - by Chair**

A special meeting of a Committee of the Whole may be called by the Committee Chair whenever he considers it necessary.

**38.20.15 Special meeting - called - written request - majority**

The Committee Chair or in the case of his neglect or failure, the Clerk, shall call a special meeting of Committee of the Whole whenever a majority of the members of that committee request in writing such a special meeting.

**38.20.16 Special meeting - Committee of the Whole - procedures**

The provisions of Article 5, so far as they are applicable, apply to special meetings of Committee of the Whole.

**38.20.17 Business - procedure - exceptions**

The business of Committee of the Whole shall be conducted in accordance with the rules governing the procedure of Council, so far as they are applicable, except as set out in Sections 38.20.18 through 38.20.25 inclusive.

**38.20.18 Motion - seconding - not required**

A motion is not required to be seconded in Committee of the Whole.

**38.20.19 Speaking - no limitations**

There is no limit to the number of times or length of time a member may speak to a motion in Committee of the Whole.

**38.20.20 Speaking - to motion - once - until all spoken**

A member shall not speak more than once to a motion until every member who desires to speak has spoken once in Committee of the Whole.

**38.20.21 Recorded vote - not required - unless requested**

No recorded vote shall be required pursuant to Sections 38.15.15 and 38.15.16, but a recorded vote may be requested, pursuant to Sections 38.15.11 to 38.15.13 inclusive, by any member in Committee of the Whole.

**38.20.22 Motion - to close debate - prohibited**

A motion to close a debate shall not be permitted in Committee of the Whole.

**38.20.23 Chair - permitted a position - without leaving**

The Committee Chair or other presiding member may take a definite position and endeavour to persuade the Committee of the Whole on that position without leaving the chair in Committee of the Whole.

**38.20.24 Point of order - procedure - decision - Chair**

When a point of order or procedure is raised or when a member is called to order in Committee of the Whole, the same procedure shall be adopted as in Council, except that the question shall be decided by the Committee Chair or acting Committee Chair subject to an appeal to the members of the Committee of the Whole.

**38.20.25 Delegations - hearing of - rules**

The rules in respect of the hearing of delegations are as set out in Sections 38.20.26 through 38.20.33 inclusive, in Committee of the Whole.

**38.20.26 Delegation - encouraged before Committee of the Whole**

Delegations shall be encouraged to appear before Committee of the Whole rather than before Council.

**38.20.27 Delegation - same matter - questions - after all heard**

When there are several delegations respecting the same matter, members shall ask questions of delegates only after all of the delegations speaking to that matter have been heard.

**38.20.28 Address - matter on agenda - prior notice**

When a person or representative of any group of persons wishes to address Committee of the Whole on a matter which is included in the agenda, he shall so advise the Clerk, in writing, prior to 12:00 noon on the day of the meeting. By-law 246-00, 16 October, 2000.

**38.20.29 Address - matter not on agenda - prior notice**

When a person or a representative of a group of persons wishes to address Council on a matter which is not included in the agenda, he shall so advise the Clerk, in writing, prior to 12 noon on the Monday of the week preceding the week of the meeting. By-law 95-06, 12 June, 2006.

**38.20.30 Address - to Council - or committee - determination**

Where the Clerk has determined that a person or representative of a group of persons wishing to address Council should be referred to a Committee of the Whole he shall include that delegation in the agenda for the appropriate Committee of the Whole meeting. By-law 246-00, 16 October, 2000.

**38.20.31 Address - matters not on agenda - prior notice**

Where a person or a representative of a group of persons wishes to address Committee of the Whole on a matter which is not included in the agenda he shall so advise the Clerk, in writing, prior to 12 noon on that day which is the Monday, two weeks prior to the week of the meeting. By-law 95-06, 12 June, 2006.

**38.20.32 Address - no notice - majority consent - required**

No person or representative of a group of persons who has not advised the Clerk of his/her wish to address the Committee of the Whole in accordance with the provisions of this Article will be permitted to address the Committee without the consent of a majority of the members present. By-law 222-02, 9 December, 2002.

**38.20.33 Address - maximum duration**

Except with the consent of the Committee of the Whole, no person shall address the Committee for more than five minutes, exclusive of the time required to answer questions put to him by the Committee, except that a group of persons may have more than one spokesman provided that the total length of time such spokesmen address the Committee shall not exceed ten minutes, exclusive of the time required to answer questions put to them by Committee.

**38.20.34 New motion - notice - in writing - deadline**

A Committee of the Whole member wishing to introduce a motion, other than the type listed in Sections 38.14.18 through 38.14.26 inclusive, for consideration by Committee shall deliver the motion in writing to the Clerk not later than 12 noon on that day which is the Monday, two weeks prior to the week of the meeting. The motion shall be printed in full in the agenda for that meeting of the Committee. By-law 95-06, 12 June, 2006.

**38.20.35 Report - to Council - all matters - recommendations**

Committee of the Whole shall report to Council on all matters connected with the duties imposed on it and all matters referred to it and shall recommend such action as it deems appropriate.

**38.20.36 Minutes - Committee of the Whole - taken by Clerk**

The Clerk or any employee of the Corporation designated by the Clerk shall take minutes of the Committee of the Whole meetings.

**38.20.37 Open meetings - exception**

The provision of Sections 38.5.9 through 38.5.12 inclusive, regarding closing meetings to the public, apply to regular and special meetings of Committee of the Whole and except as permitted or provided in those Sections, Committee of the Whole meetings shall be open to the public.

**38.20.38 Proceedings - adopted - confirmed - by Council - motion**

The proceedings of Committee of the Whole meetings may be adopted and confirmed by Council in a single motion and the passage of such motion shall be taken to confirm all of the proceedings taken in the Committee of the Whole meeting and to adopt and ratify all recommendations therein, except for those matters dealt with or voted on separately.

**38.20.39 Recommendation - vote - requested**

A member may request prior to the adoption of the Committee of the Whole report or recommendations that a Committee recommendation be voted on separately and such a request shall not require the introduction of a motion. By-law 246-00, 16 October, 2000.

## Article 21 SPECIAL COMMITTEE

**38.21.1 Appointment - by Council**

Council may appoint a special committee to consider and report on a specific subject, project or undertaking. By-law 69-91, 18 February, 1991.

**38.21.2 Chair - appointed - procedures - determined - Council**

When a Special Committee has been appointed by Council, Council shall name the member of that Special Committee who is to act as Committee Chair, and shall determine whether or not the rules of procedure for Committee of the Whole apply to that special committee. By-law 69-91, 18 February, 1991; By-law 246-00, 16 October, 2000.

**38.21.3 Work - report - complete - committee dissolved**

When a special committee has completed its work and made its report, that committee shall be deemed to be dissolved.

**38.21.4 Mayor - ex-officio member - all committees**

The Mayor shall be *ex-officio* a member of all special committees.

**Article 22  
ENACTMENT****38.22.1 Effective date**

This Chapter shall come into force on the 4 day of March, 1991. By-law 65-91, 18 February, 1991.

# PROCEDURE

## SCHEDULE

### Schedule 'A' - Motions - precedence

Must be Order of priority	Classification	in Council	seconded Amend	Debate	Comment	References
1. To adjourn the meeting	privileged	yes	no	no	If motion to adjourn to specified time or date, may be debated and amended as to time or date	38.14.7 38.14.8
2. To proceed beyond 11:30 p.m.	privileged	yes	no	no		38.14.9
3. Question of privilege	privileged	no	no	no	Presiding Officer rules	38.13.1 38.13.2 38.13.3 38.13.4
4. Point of order of procedure	privileged	no	no	no	Motion to appeal decision of Presiding Officer must be seconded in Council; may be debated but not amended; decided by majority vote	38.13.1 to 38.13.6
5. To close debate (call the question)	subsidiary	yes	no	no	Need two-thirds vote Not permitted in Committee of the Whole	38.14.10
6. Repeal: By-law 264-98, 16 November, 1998.						
7. To refer	subsidiary	yes	yes	yes	Sends matter to or back to some committee, board, body or person for study or more information	38.14.13
8. To defer action	subsidiary	yes	yes (as to time)	yes (as to advis ability)	Postpones consideration to a specified time or date	38.14.14
-						
9. To amend amendment	subsidiary	yes	yes (one only at a time)	yes	May add, delete or substitute words; must be relevant; not contrary or rejection.	38.14.15 38.14.16 38.14.17
10. To amend the main motion	subsidiary	yes	yes (one only at a time)	yes	May add, delete or substitute words; must be relevant; not contrary or rejection	38.14.15 38.14.16 38.14.17
11. Main motion	main or substantive	yes	yes	yes	Only one main motion may be on the floor at any one time	38.14.5

By-law 65-91, 18 February, 1991; Appendix 'A'; By-law 264-98, 16 November, 1998; By-law 246-00, 16 October, 2000.

## PROCEDURE

### **Schedule 'B' - Matters - vote - greater than majority**

Motions requiring greater than majority vote:

Motion	Vote Required	Comments	Section
To suspend rules of procedure	2/3		38.3.5
To hold public meetings in summer or between Dec. 16 & Jan. 2	2/3		38.4.11
To close debate	2/3	not permitted in Committee of the Whole	38.14.10

By-law 65-91, 18 February, 1991; Appendix 'B'; By-law 68-92, 2 March, 1992; By-law 270-95, 2 October, 1995; By-law 246-00, 16 October, 2000.