



AMENDED BY
By-law 2010-009
By-law 2010-135
By-law 2011-076
By-law 2013-101
By-law 2014-036
Bill 68*

**PROCEDURE BY-LAW
THE CORPORATION OF THE TOWN
EAST GWILLIMBURY**

BY-LAW NO. 2009-109

**Being a By-law to Govern the Proceedings of the
Municipal Council and Committees**

WHEREAS Section 238(2) of the *Municipal Act, 2001* provides that a Council shall pass a procedure by-law for governing the calling, place and proceedings of meetings:

NOW THEREFORE, the Council of the Corporation of the Town of East Gwillimbury hereby enacts as follows:

1. INTERPRETATION

1.1 In this by-law

- Definitions
- (a) “Act” means the *Municipal Act, 2001* as amended or re-enacted from time to time;
 - (b) “Acting Chair” means the Member appointed to act from time to time in the place and stead of the Chair, pursuant to Section 242 of the Act;
 - (c) “Chair” means the person presiding at a meeting;
 - (d) “Chief Administrative Officer” means the Chief Administrative Officer of the Town;
 - (e) “Clerk” means the Municipal Clerk or his or her designate;
 - (f) “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 Town Council, and includes the Committee of the Whole, a Standing Committee, a Special Committee, or a Task Force of Council;
 - (g) “Committee of the Whole” means all of the Members present at Council sitting in committee;

- (h) “Committee Chair” means the Chair of a Committee;
- (i) “Committee Vice-Chair” means the Vice-Chair of a Committee;
- (j) “Confirmatory By-law” means a by-law passed for the purpose of giving general effect to a previous decision or proceedings of Council;
- (k) “Council” means the Council of the Corporation of the Town of East Gwillimbury consisting of the Mayor and four (4) councillors;
- (l) “deputation” means an address to Council or a Committee at the request of a person wishing to speak;
- (m) “inaugural meeting” means the first meeting of Council after a regular election as set out in section 230 of the Act;
- (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, a local board or a committee of either of them;
- (p) “Member” means a Member of Council;
- (q) “motion” means a proposal moved by a Member and, if moved in Council, seconded by another Member, to adopt, amend or otherwise deal with a matter before Committee or Council;
- (r) “motion to defer” means a motion to delay consideration of a matter until later in the same meeting or to a future meeting of Council or a Committee;
- (s) “motion to receive” means a motion to acknowledge an item, report or recommendation under consideration and to have it placed in the records of Council with no additional action being taken;
- (t) “motion to refer” means a motion to dispose of a question under consideration, with or without any proposed amendment, in order to seek consideration by, and, if deemed desirable, one or more reports from any Committee, body or official;
- (u) “motion to table” means a motion to postpone without setting a definite date as to when the matter will be considered again;
- (v) “notice of motion” means a written notice of a motion respecting a substantive matter not on the agenda for a meeting of Council which is received by the Clerk, moved by a Member, and seconded by another Member, for inclusion on the agenda for a future meeting of Council, unless notice thereof is waived pursuant to section 22.1 of this by-law;

- (w) “point of order” means a question by a Member with a view to calling attention to any issue relating to this by-law or the conduct of Council's business or in order to assist the Member in understanding Council’s procedures, making an appropriate motion, or understanding the effect of a motion;
- (x) “point of privilege or personal privilege” means a question by a Member who believes that another Member has spoken disrespectfully towards that Member or another Member or who considers that his or her integrity or that of a Member or Town official has been impugned or questioned by a Member;
- (y) “presentation” means an address to Council or Committee at the request of Council, a Committee or staff;
- (z) “presiding officer” means any person who is presiding at a meeting;
- (aa) “recorded vote” means a written record of the name and vote of every Member voting on any matter or question;
- (bb) “private session” means a meeting that is closed to the public;
- (cc) “report” means a report of a Committee, or a Joint Committee, or of one or more General Managers.
- (dd) “resolution” means the decision of Council on any motion; and
- (ee) “special majority” means a majority of the members present plus one
- (ff) “Town” means The Town of East Gwillimbury

2. APPLICATION

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| General | 2.1 The rules of procedure set out in this by-law shall govern all proceedings of Council and its Committees. |
| Statutory Requirements | 2.2 Notwithstanding anything in this by-law, where Council or a Committee convenes for the purpose of holding a hearing as required by any statute, the provisions of the statute and the <i>Statutory Powers Procedure Act</i> , as applicable, shall govern the proceedings. |

3. INAUGURAL MEETING OF COUNCIL

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| Date of Inaugural Meeting | 3.1 The inaugural meeting of Council shall be held at 7:00 p.m. on the first Monday in December after a regular election. |
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4. MEETINGS OF COUNCIL

Regular Meetings	4.1 Regular meetings of Committee of the Whole Council and Council shall be held in the Council Chamber at the Civic Centre, 19000 Leslie Street, Sharon, in accordance with the schedule approved annually by Council. Notwithstanding this, Committee of the Whole and Council may meet at such other times and at another location within the municipality or an adjacent municipality as directed by Council provided appropriate notice is given.
Special Meeting of Council	4.2 The Mayor may at any time call a Special Meeting of Council by providing written direction to the Clerk to issue a Notice of Special Meeting for the purpose noted in the direction. 4.3 Upon the receipt of a petition of the majority of Members, the Clerk shall call a Special Meeting for the purpose and at the time noted in the petition.
Matters Decided at Special Meeting	4.4 At a Special Meeting of Council, Council shall not decide upon any matter unless the matter has been specified in the Notice calling the meeting. This provision may be waived with a special majority vote (i.e. four votes).
Taping, Televising, Recording	4.5 Meetings which are not closed to the public may be taped, televised or otherwise electronically or mechanically recorded so long as the taping, televising or recording is carried out in a manner that does not interfere with proceedings at the meeting, and provided that the recording has been authorized by the Mayor.

5. NOTICE

Notice to Members	5.1 Notice to Members of all meetings of Council or Committee of the Whole Council, agendas, agenda items, cancellations and re-schedulings shall be provided by the Clerk to each Member's residence or place of business, as directed by the Member, not less than 48 hours prior to the time set for the meeting. Notice may be sent by first-class mail, courier, facsimile or electronic mail. Notice may also be provided by telephone or personal contact in case of an emergency.
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Notice to Members of Special Meeting	5.2 Written notice of all Special Meetings of Council, detailing the matters to be considered at the meeting, shall be delivered to all Members not less than 8 hours before the time set for the meeting.
Notice to Media and Public	5.3 The Clerk shall provide notice to the public and the media of all meetings of Council or Committee, agendas, agenda items, cancellations and rescheduling by; (a) publishing the annual schedule of meetings once adopted by Council by posting on the Town's official Web site and by distributing copies upon request; (b) updating the annual schedule of meetings posted on the Town's official Web site within 24 hours of any changes made to the schedule; (c) not less than 24 hours in advance, posting meeting notices, agendas and agenda items on the Town's official Web site.
Contents of Notice	5.4 Every notice of a meeting of Council or Committee shall indicate the day, date, time and place of commencement of the meeting, and the contact information for the Clerk's Office.
Minimum Requirements	5.5 The notice requirements set out in this by-law are minimum requirements only, and the Clerk may give notice in an extended manner if in the opinion of the Clerk, the extended manner is reasonable and necessary in the circumstances.
Subordinate to other required forms of notice	5.6 The notice requirements set out in this by-law shall be subject to any specific requirements for the fixing of notice as prescribed by legislation or as directed by Council.
Cancellation/Postponement	5.7 Any Meeting may be cancelled or rescheduled to a day, time and place set out in a written notice from the Clerk, sent to each Member at the address provided to the Clerk at least 48 hours before the scheduled date of the meeting.
Failure to Meet Notice Provisions	5.8 Notice which is substantively given but which is irregular or not otherwise in strict compliance with this by-law will not invalidate the holding of a meeting or any proceeding taken at a meeting.

6. COUNCIL AGENDAS

Agenda	6.1 The Clerk, subject to such changes as may be appropriate in the circumstances, shall prepare for distribution a Council Agenda with the routine order of business for regular meetings of Council to be as follows: (a) Disclosures of Interest by Members; (b) Presentations; (c) Deputations;
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- (d) Adoption of Minutes
- (e) Communications;
- (f) Recommendations of the Committee of the Whole Council of prior meeting date.
- (g) Motion(s)
- (h) Notice of Motions
- (i) Other Business;
- (j) Consideration of Matters in Private Session;
- (k) Council to Rise from Private Session;
- (l) Introduction and Consideration of By-laws
- (m) Confirmatory By-law
- (n) Adjournment of Meeting

Revised Agenda	6.2 After delivery of the Council Agenda, the Clerk may amend the Agenda by way of a Revised Agenda by adding or deleting matters from the prepared Agenda in consultation with the Mayor or the Chief Administrative Officer. In this case, the Clerk shall endeavor to forward additional Agenda material to the members prior to the meeting. The Revised Agenda may be presented at the Council meeting, and is not subject to the Notice requirements set out in Part 5 of this By-law.
Order of Business	6.3 The business of Council shall, in all cases, be taken up in the order in which it appears on the agenda, unless otherwise directed by Council.
Circulation to Public	6.4 As soon as Agenda information is published and distributed by the Clerk to Members and, subject to the current policy of Council respecting reproduction charges, the information may be made available to the public except for information relating to matters to be considered in private session.
Communications	6.5 Every communication intended to be presented to Council must be legibly written and must contain the signature (except e-mail communications) and contact address of at least one person and preferably the addresses of all signatories. For all communications submitted there shall be designated a contact person to whom the Clerk can communicate on behalf of Council. 6.6 Communications listed on the Agenda, which contain a request for action on the part of Council, shall not be acted upon without Council first receiving a report from staff unless the action is of a routine or congratulatory nature.

Provision for Consent Agenda	6.7 More than one item containing recommendations on the agenda for Council meetings may be adopted in a single motion. At the request of any Member, any specific items of business shall be subject to individual consideration.
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7. QUORUM

Quorum - Council	7.1 A quorum of Council and Committee of the whole Council is three (3) Members, which includes the Mayor as a member.
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No Quorum at Beginning	7.2 If a quorum is not present at a scheduled meeting of Council and Committee of the Whole Council thirty (30) minutes after the scheduled commencement time, the meeting shall stand adjourned until the next regular meeting and the Clerk shall record the names of the Members present. If the Members who are present at the time remain until a quorum is present, then the meeting shall proceed.
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During Meeting	7.3 If a quorum is lost during a meeting of Council or Committee of the Whole Council then the Presiding Officer shall, upon determining that a quorum is not present, request the Clerk to call for a quorum for a period of fifteen minutes, or until a quorum is present, whichever is sooner.
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Idem	7.4 If there is still no quorum of Council or Committee of the Whole Council after fifteen minutes, the meeting shall stand adjourned and the Clerk shall record the names of the Members present. In this case, all unfinished business shall be carried forward to the next meeting of Council or Committee of the Whole Council, as the case may be.
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Municipal Conflict of Interest Act	7.5 Where the number of Members, who by reason of the provisions of the <i>Municipal Conflict of Interest Act</i> , are prohibited from participating in a meeting is such that, at that meeting, the remaining Members are not of sufficient number to constitute a quorum, then the remaining number of Members shall be deemed to constitute a quorum, provided this number is not fewer than two (2).
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8. DUTIES OF MAYOR

Call Meeting to Order	8.1 As soon as there is a quorum after the time set for the meeting, the Mayor shall take the chair and call the Members to order.
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Mayor's Duties	8.2 The Mayor shall preside over the meetings of Council so that its business can be carried out efficiently and effectively, and shall:
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(a) maintain order and preserve the decorum of the meeting;

(b) rule on all procedural matters, without debate or comment;

(c) receive and submit to a vote all motions presented by the Members that do not contravene the rules of procedure;

(d) decline to put to a vote motions which do not comply with the rules of procedure, or which are not within the jurisdiction of Council;

(e) announce the results of the vote on any motions presented for a vote;

(f) expel or exclude from any meeting any person whom the Presiding Officer feels has exhibited improper conduct at the meeting;

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

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

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

Matters Not covered in this By-law 8.4 All matters not covered by this by-law shall be decided by the Mayor. The Mayor may call upon the Clerk to provide advice regarding procedure. The Clerk shall provide this advice following which the Mayor shall announce his or her ruling.

Appeal of Mayor's Ruling 8.5 If a Member disagrees with the ruling of the Mayor, he or she may appeal the ruling of the Mayor. The Mayor, in response, shall call a vote on the question of sustaining the ruling of the Chair. The Mayor may provide further explanation of the ruling prior to calling the vote.

9. PRESIDING OFFICER

Acting Mayor to preside 9.1 In case the Mayor does not attend within fifteen minutes of the time a quorum is present after the scheduled commencement time for a meeting of Council, or after resumption of the meeting after an adjournment, the Acting Mayor, per the Acting Mayor grid, shall call the Members to order and shall preside until the arrival of the Mayor.

Mayor's Designation 9.2 The Mayor may designate another Member as Presiding Officer during any part of a Council or Committee of the Whole Council meeting or when he or she leaves the chair for any reason.

9.3 The Presiding Officer shall have and may exercise all the rights, power and authority and obligations of the Mayor under this by-law.

10. DUTIES OF MEMBERS

General 10.1 No Member shall:

(a) speak disrespectfully of any member of the Royal Family, the Governor

General, the Lieutenant Governor of any Province, Council, any municipality, any Member or any official or employee of the Town;

(b) use offensive words or unparliamentary language;

(c) engage in private conversation while in the Council meeting or use electronic devices including cellular phones, pagers and computers, in a manner which interrupts the proceedings of the Council;

(d) leave his or her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;

(e) speak on any subject other than the subject under debate;

(f) where a matter has been discussed in private session, and where the matter remains confidential, disclose a confidential matter or the substance of deliberations at a closed meeting, except to the extent that Council has previously released or disclosed the matter in public;

(g) criticize any decision of Council except for the purpose of moving that the question be reconsidered; or

(h) disobey the rules of Council or a decision of the Presiding Officer or of Council on questions of order or practice or upon the interpretation of the rules of Council. In case a Member persists in any such disobedience, after having been called to order by the Presiding Officer, the Presiding Officer shall not recognize that Member, except for the purpose of receiving an apology from the Member tendered at that meeting or any subsequent meeting.

11. DISCLOSURES OF PECUNIARY INTEREST

Method of
Disclosure

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

(a) prior to any consideration of the matter at the meeting, disclose the Member's interest and the general nature thereof; and

(b) not take part in the discussion of, or vote on any question in respect of the matter; and

(c) not attempt in any way whether before, during or after the meeting to influence the voting on the matter.

Closed Meeting

11.2 Where a meeting is not open to the public, in addition to complying with the requirements set out in 11.1 above, the Member shall forthwith leave the meeting or the

part of the meeting during which the matter is under consideration.

Absence –
Disclosure at Next
Meeting

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

Record of
Disclosure

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

12. PUBLIC ACCESS TO MEETINGS

Meetings Open to
the Public

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

Closed Meeting

12.2 A meeting may be conducted in private session if the subject matter being considered relates to:

- (a) the security of property of the Town or local Board;
- (b) personal matters about an identifiable individual, including a Town or local board employee;
- (c) a proposed or pending acquisition or disposition of land by the Town or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation including matters before administrative tribunals, affecting the Town or a local board;
- (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) the education and training of Members, provided that no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council: or
- (h) a matter in respect of which Council has authorized a meeting to be in private session under statutory authority.

Prior Resolution

12.3 Prior to Council or Committee of the Whole Council resolving into private session for one of the reasons noted in Section 12.2, Council shall state by resolution:

- (a) the fact of holding the private session;

(b) the general nature of the matter to be considered;

(c) the specific provision of the Act under which the meeting in private session is permitted;

(d) where the purpose is for education or training, that the meeting is to be held in private session pursuant to section 239(3.1) of the Act.

Open Votes

12.4 A meeting shall not be closed to the public during the taking of a vote.

Closed Votes

12.5 Despite section 12.4, a meeting may be closed to the public during a vote if:

(a) section 239(2) of the Act permits or requires a meeting to be closed to the public; and

(b) the vote is for a procedural matter or for giving directions or instructions to officials, employees or agents of the Town, or persons retained by or under contract with the Town.

Record of Closed Meeting

12.6 The Clerk shall prepare a record of each private session held in Council or Committee of the Whole Council, indicating:

(a) the matter discussed;

(b) the specific provision under the Act under which meeting in private session is permitted;

(c) the Members in attendance;

(d) the disposition of the matter;

(e) the starting and concluding times for the private session; and

(f) any other proceedings.

12.7 Part 20 does not apply to the record created under section 12.6.

13. DEPUTATIONS

Written Request

~~13.1 Every individual, organization or group wishing to address Committee of the Whole or Council shall notify the Clerk in writing providing an outline of the nature of the deputation prior to 4:30 p.m. on Friday prior to the meeting. The notice shall be signed, shall indicate the mailing address and telephone number at which the individual or the organization or group may be contacted during normal business hours and shall contain an outline of the nature of the deputation to be made.~~

**Amended by:
By-law 2011-076**

13.2 All deputants at Council shall be heard only upon the consent of Council, except where there is a statutory right to be heard.

Address Presiding Officer	13.3 All deputants shall address the Chair from the lectern in the Council Chamber and shall state their name and whom they represent.
Time – 5 minutes	13.4 Unless otherwise permitted by a majority vote, deputants shall be limited to five (5) minutes for speaking at Council and at Committee or such other time period approved by Council or Committee at the meeting. If there is a group of people wishing to address Council or Committee with respect to a particular position on a particular issue, then Council or Committee may determine that the group shall be represented by one person or that the time limit shall be other than as stated above.
Questions	13.5 Notwithstanding section 13.4, the time involved in receiving and answering questions from Members shall be in addition to the time limited for the deputation.
Right to Appear	13.6 Any person may, both on his or her own behalf, or as a representative of an organization or group, appear at any Public Meeting of Council and address Council with respect to any matter on the Agenda for that meeting.
No Notice Where Matter on Agenda	13.7 For matters on the Agenda, notwithstanding section 13.1, the Council may decide, by majority vote: (a) to hear a deputation, notwithstanding non-compliance with the requirements of those subsections; (b) to defer hearing deputations; or (c) to require, as a condition of hearing a deputation, the filing of a written outline with the Clerk.
Matter Not on Agenda	13.8 Where a matter to which an individual, organization or group wishes to speak before Council is not on the Agenda of a meeting, the matter may be placed on the Agenda of the next meeting.
Behaviour	13.9 No deputant shall: (a) speak disrespectfully of any person; (b) use offensive words or unparliamentary language; (c) speak on any subject other than the subject for which he or she has received approval to address Council or Committee; or (d) disobey the rules of procedure or a decision of the Chair or Council.
Curtailment of Time	13.10 The Chair may curtail any deputation, any questions of a deputant or debate during a deputation for disorder or any other breach of this by-law, and, if the Chair rules that the deputation is concluded, the person or persons appearing shall withdraw.
	13.11 No person, except Members and authorized Town staff shall be allowed to come

Location within the Members' area during a Council meeting without permission of the Mayor or Council.

Conduct 13.12 Members of the public who constitute the audience at a meeting, shall not:

- (a) address Council or Committee without permission;
- (b) bring food or beverages into the Council Chamber or meeting room unless so authorized;
- (c) bring signage, placards or banners into such meetings; or
- (d) engage in any activity or behaviour that would affect the Council or Committee deliberations.

Expulsion 13.13 The Chair may cause to be expelled and exclude any member of the public, who creates any disturbance or acts improperly, during a meeting of Council. If necessary, the Chair may call upon the Clerk to seek the appropriate assistance from security or police officers.

14. RULES OF DEBATE

Recognition 14.1 To address Council, a Member shall request to speak and be recognized by the Chair.

Microphone 14.2 Prior to speaking to any question or motion, each Member shall engage his or her microphone and address the Chair.

Order of Speakers 14.3 When two or more Members indicate their desire to speak at the same time, the Chair shall designate the order of speakers.

Interruptions 14.4 When a Member is speaking, no other Member shall interrupt the Member speaking except to raise a point of order, privilege or personal privilege.

Read Motion 14.5 Any Member may require a motion or question under discussion to be read at any time during the debate but not so as to interrupt the Member speaking.

5 Minutes 14.6 Subject to Part 21, no Member shall speak for longer than five (5) minutes on a question without Council's permission.

Speak Once 14.7 No Member shall speak more than once to the same question without Council's permission, except that a reply shall be permitted only from a Member who has presented the main motion.

Points of Order Privilege 14.8 When a Member wishes to raise a point of order, point of privilege or point of personal privilege, the Member shall ask leave of the Chair to raise the point. After leave is granted, the Member shall state the point to the Chair and then remain silent until the Chair has ruled upon the point.

Mayor to Rule on Point	14.9 Subject to being overruled by Council on a vote which shall be taken immediately and without debate, the Mayor shall rule on the point.
Challenge	14.10 Any Member may challenge the ruling of the Mayor immediately following the ruling.
Decision Final	14.11 The Mayor's ruling is final unless it is challenged.
Idem	14.12 Council's decision is final if the Mayor is challenged.

15. MOTIONS

Introduction of Additional Items	15.1 No Member shall introduce any item to the Council for its consideration unless: (a) the item relates to a matter on the Agenda for that meeting; or (b) the matter is of an urgent nature and leave is granted on a special majority vote.
Oral Motions	15.2 The following may be introduced orally without written notice and without leave of Council: (a) a point of order, privilege or personal privilege; (b) presentation of petitions; (c) a motion to waive or suspend the rules of procedure; (d) a procedural motion; (e) a simple amendment; or (f) a motion to adopt a recommendation.
Written Motions	15.3 Except as provided in Section 15.2, all motions shall be in writing. The Chair may require that any amendment be in writing signed by the mover and the seconder.
Must be Seconded	15.4 A motion shall be moved and seconded before the Chair shall put the question and the motion is recorded in the minutes of the meeting.
Mover and Secunder May Vote in Opposition	15.5 A Member may move a motion in order to initiate discussion and debate and that Member may vote in opposition to the motion. A seconder of a motion may vote against the motion.
Withdrawal	15.6 After a motion is moved at the Council meeting it shall be deemed to be in the

possession of Council and may not be withdrawn without the consent of the mover and seconder and a majority vote.

16. SPECIFIC MOTIONS

- Recess 16.1 A motion to recess is not debatable, shall specify the length of the recess, and may only be amended with respect to the length of the recess.
- Adjourn 16.2 A motion to adjourn a meeting is not debatable and shall always be in order except:
- (a) when another Member is in possession of the floor;
 - (b) when a vote has been called;
 - (c) when the Members are voting; or
 - (d) when a Member has indicated to the Chair his or her desire to speak on the matter before Council.
- 16.3 A motion to adjourn shall take precedence over any other motion and shall be put immediately without debate.
- Call the Question 16.4 A motion to call the question is not debatable.
- 16.5 A Member who moved a motion to call the question shall not be allowed to speak to the question again if the motion is decided in the negative.
- 16.6 A motion to call the question shall be put immediately without debate.
- Motion to Table 16.7 A motion to table shall not be amended or debated and shall apply to the motion and any amendments under debate when the motion to table is made.
- 16.8 If the motion to table carries, in the absence of any direction from Council, the matter may not be discussed until the Chief Administrative Officer, or a Member through a Notice of Motion, brings it forward to a subsequent meeting.
- Refer 16.9 A motion to refer and any amendment to it is debatable and shall include:
- (a) the name of the Committee or official to whom the motion or amendment is to be referred;
 - (b) the terms upon which it is to be referred and the time or period, if any, on or within which the matter is to be returned.
- Defer 16.10 A motion to defer and any amendment to it is debatable and shall include:
- (a) the time to or period within which, consideration of the matter is to be

deferred; and

(b) whatever explanation is necessary to demonstrate the purpose of the motion to defer.

17. VOTING

Order of Votes

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

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

**Amended by:
By-law 2014-036**



Members Must Vote

~~17.2 Every Member present at a meeting of Council where a question is put shall vote on the question, unless prohibited by statute, in which case the Clerk shall so record. The Chair may not move or second any motion. The Chair shall vote on a motion but shall not have a second or casting vote in the event of an equality of votes on any motion.~~

Actions During Votes

17.3 When the Chair calls for the vote on a question, a) each Member shall occupy his or her seat and shall remain in place until the result of the vote has been declared by the Chair, and b) during this time no Member shall walk across the room or make any other motion or speak to the question or any other Member or make any noise or disturbance.

Split Votes

17.4 Upon the request of any Member, and when the Chair is satisfied that a matter under consideration contains distinct proposals, the vote upon each proposal shall be taken separately.

17.5 A vote on the main motion, as amended, may be split only for the purpose of complying with the *Municipal Conflict of Interest Act*.

No Vote Deemed Negative	17.6 If any Member present does not vote at a meeting of the Council where a question is put and a recorded vote taken, he or she shall be deemed to vote in the negative except where the Member is prohibited from voting by statute.
Majority Vote	17.7 All decisions of Council shall require a majority vote except as otherwise set out in this by-law.
Tie Vote	17.8 Any motion that receives a tie vote shall be deemed to have been decided in the negative.
Method of Voting	17.9 A Member shall vote by raising a hand or otherwise indicating the Member's vote, except where a recorded vote is requested. The Chair shall announce the result of all votes taken.
Recorded Vote	17.10 A request by a Member for a recorded vote shall be made prior to the commencement of the vote being taken or immediately thereafter. 17.11 When a recorded vote has been requested by a Member, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly, and the Clerk shall record in the minutes each vote taken. The Clerk shall call for the vote in the following order: the person requesting the recorded vote shall vote first and then the members shall vote in alphabetical order based on surname and starting in the alphabet as determined by the member voting first.
Clerk to Announce Result of Vote	17.12 The Clerk shall announce the results of the vote.

18. RECONSIDERATION

Reconsideration of Matter	18.1 After a matter has been decided by the members, that matter may be reconsidered during the term of the Council or Committee: (a) Any time after six (6) months following the matter being decided, without the need for a resolution that the matter may be reconsidered. (b) Within six (6) months of the matter being decided, if it is decided by majority vote of the members that the matter may be reconsidered.
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19. BY-LAWS

One Motion	19.1 The adoption of every by-law presented to Council, with the exception of the Confirmatory By-law, may be the subject of one motion.
Separate Vote	19.2 By request of any Member, any by-law may be discussed or voted on individually.
Form	19.3 Every by-law, when introduced shall be in typewritten form and shall comply with the provisions of any relevant legislation.
Previous Council Approval	19.4 No by-law, except a by-law to confirm the proceedings of Council, shall be

presented to Council unless its subject matter has been approved by Council.

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

20. MINUTES OF COUNCIL AND COMMITTEE OF THE WHOLE COUNCIL

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

21. COMMITTEE OF THE WHOLE

At Council	21.1 The Council shall meet as a Committee of the Whole Council in accordance with the schedule of meetings determined annually by Council and shall report its proceedings at the next Council meetings.
Mayor	21.2 Subject to Section 21.4, the Mayor shall preside over Committee of the Whole Council and shall vote on all matters.
Procedure	21.3 The rules governing the procedure of Council and the conduct of Members shall be observed in Committee of the Whole Council so far as they are applicable, provided however:

- (a) a motion shall not be required to be seconded;
- (b) no vote shall be recorded;
- (c) the number of times of speaking shall not be limited unless a Member moves to call the question.
- (d) no Member shall speak more than once until every Member who desires to speak has spoken; and
- (e) no motion to conclude the meeting shall be permitted.

Council Member
assigned –
Chairperson of
Committee of the
Whole Council

~~21.4 The Council Member assigned by the Mayor at the beginning of each Council term or anytime thereafter, and in accordance with a schedule of rotation of Chairpersons, shall act as the Chair of Committee of the Whole Council for matters in the following areas:~~

**Amended by:
By-law 2010-009
By-law 2010-135
By-law 2013-101**

~~(a) Development and Legal Services – includes all matters relating to policy planning, development planning, economic development, community development, building, and legal issues;~~

~~(b) Community Programs and Infrastructure – includes all matters relating to roads, sewers, fleet and facilities management, water and wastewater, engineering and design, parks, and recreation programming;~~

~~(c) Corporate and Financial Services – includes all matters relating to the Municipal Clerk, information technology, council secretariat, records management, risk management, by-laws, human resources, procurement, budget, finance, fiscal policy and payroll;~~

~~(d) Emergency Services – includes all matters relating to fire protection, fire prevention and related issues;~~

~~(e) Administration – includes all matters relating to strategic planning, communications, corporate policy, corporate management/controllership, and Council liaison.~~

Report
Consideration

21.5 The Committee of the Whole shall consider reports from Advisory Committees, and from the Chief Administrative Officer, General Managers or their designates.

Recommendations
to Council

21.6 The Committee of the Whole shall make its recommendations to the next Council meeting following the date of the Committee meeting with regard to each report that it has considered at that meeting.

Council Approval

21.7 Council may consider the adoption of the Committee of the Whole recommendations in one motion.

22. SUSPENSION OF BY-LAW PROVISIONS

Special Majority 22.1 A motion to suspend or not to follow a rule of procedure established by this by-law, shall not be passed without a special majority vote.

23. AMENDMENTS TO BY-LAW

Majority Vote 23.1 This By-law shall not be amended or repealed except by a majority vote of Council.

Notice 23.2 No amendment or repeal of this by-law shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal was given at a previous meeting of the Council. Council may not waive this notice requirement. Notice of any amendment or repeal to this by-law shall be given pursuant to Part 5 of this by-law at least two weeks before Council's consideration of the amendment or repeal.

24. CONFLICT

Conflict in the Statute 24.1 If there is any conflict between this By-law and any statutes, the provisions of the statute prevail.

25. ENACTMENT

Enactment 25.1 By-laws No. 2002-128, No. 2002-120 and No. 2008-42 are hereby repealed.

25.2 This By-law shall come into force on the date of its enactment.

Enacted and Passed this 16th day of November, 2009.

James R. Young, Mayor

Harold Brown, Municipal Clerk

THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

BY-LAW NO. 2010-009

**To amend By-law No. 2009-109, being a by-law to
Govern the Proceedings of the Municipal Council
and Committees**

WHEREAS it is advisable at this time to amend the Procedural By-law to reflect the current municipal organizational structure;

BE IT ENACTED by Town of East Gwillimbury Council as follows:

1. That Section 21.4 of Procedural By-law No. 2009-109 be deleted in its entirety and replaced with the following:

21.4 The Council Member assigned by the Mayor at the beginning of each Council term or anytime thereafter, shall act as the Chair of Committee of the Whole Council for matters in the following areas:

- (a) Planning and Building Services – includes matters relating to policy, community development, economic development, heritage, sustainability and building;
- (b) Community Programs and Infrastructure – includes matters relating to roads, sewers, fleet and facilities management, water and wastewater, engineering and design, parks, and recreation programming;
- (c) Corporate and Financial Services – includes matters relating to information technology, communications, budget, finance, fiscal policy, payroll, human resources and procurement;
- (d) Emergency Services – includes matters relating to fire protection, fire prevention and related issues;
- (e) Administration – includes matters relating to corporate management/controllership, corporate strategic planning, corporate policy, intergovernmental relations, organization development, Council liaison, legal, property/real estate, Municipal Clerk, council secretariat, records management, insurance, risk management and by-laws.

ENACTED AND PASSED this 1st day of February, 2010.

James R. Young, Mayor

Kathleen Foster, Municipal Clerk

THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

BY-LAW NO. 2010-135

**To amend further By-law No. 2009-109, being a by-law to
Govern the Proceedings of the Municipal Council and Committees**

WHEREAS it is advisable at this time to amend the Procedural By-law to reflect the appointment of the Chairs of the various Committees;

BE IT ENACTED by Town of East Gwillimbury Council as follows:

1. That Section 21.4 of Procedural By-law No. 2009-109, as amended be deleted in its entirety and replaced with the following:

21.4 The Council Member assigned by the Mayor at the beginning of each Council term or anytime thereafter, shall act as the Chair of Committee of the Whole Council for matters in the following areas:

- (a) Planning and Building Services – includes all matters relating to policy planning, development planning, economic development, community development and building issues;
- (b) Community Programs and Infrastructure – includes all matters relating to roads, sewers, fleet and facilities management, water and wastewater, engineering and design, parks, and recreation programming;
- (c) Corporate and Financial Services – includes all matters relating to information technology, communications, budget, finance, fiscal policy, payroll, human resources and procurement;
- (d) Emergency Services and Legal and Council Support Services – includes all matters relating to fire protection, fire prevention and related issues; Council liaison, legal issues, Municipal Clerk, council secretariat, records management, insurance, risk management and by-laws;
- (e) Administration – includes all matters relating to strategic planning, corporate policy, corporate management/controllership.

ENACTED AND PASSED this 16th day of December, 2010.

Virginia Hackson, Mayor

Kathleen Foster, Municipal Clerk

THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

BY-LAW NO. 2011-076

**To amend further By-law No. 2009-109, being a by-law to
Govern the Proceedings of the Municipal Council
and Committees**

WHEREAS it is advisable at this time to amend the Procedural By-law to address the two (2) types of deputation requests;

NOW THEREFORE the Municipal Council of the Corporation of the Town of East Gwillimbury enacts as follows:

1. THAT Section 13.1 of Procedural By-law No. 2009-109, as amended, be deleted in its entirety and replaced with the following:
 - 13.1 a) Every individual, organization or group wishing to address Committee of the Whole or Council must submit a completed Deputation Request Form to the Clerk no later than 4:30 p.m. on the Monday prior to the meeting,
 - b) Notwithstanding Subsection 13.1 (a) if the deputation request relates to a matter listed on the published Agenda, the completed Deputation Request Form must be submitted to the Clerk no later than 12:00 noon on the Friday prior to the meeting.

ENACTED and PASSED this 6th day of June, 2011.

Marlene Johnston, Acting Mayor

Kathleen Foster, Municipal Clerk



THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

BY-LAW NO. 2013-101

**To amend further By-law No. 2009-109, being a by-law to
Govern the Proceedings of the Municipal Council and Committees**

WHEREAS it is advisable at this time to amend the Procedural By-law to reflect the appointment of the Chairs of the various Committees;

NOW THEREFORE the Municipal Council of The Corporation of the Town of East Gwillimbury enacts as follows:

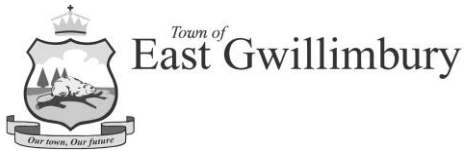
1. That Section 21.4 of Procedural By-law No. 2009-109, as amended be deleted in its entirety and replaced with the following:

21.4 The Mayor shall, at the beginning of each Council term or anytime thereafter, assign Council Members to act as the Chair of Committee of the Whole Council for matters in the various organizational areas.

ENACTED AND PASSED this 9th day of September, 2013.

Virginia Hackson, Mayor

Fernando Lamanna, Municipal Clerk



THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

BY-LAW NO. 2014-036

**To amend further By-law No. 2009-109, being a by-law to
Govern the Proceedings of the Municipal Council and Committees**

WHEREAS it is advisable at this time to amend the Procedural By-law Section 17.2 to allow the Chair to move or second a motion;

NOW THEREFORE the Municipal Council of The Corporation of the Town of East Gwillimbury enacts as follows:

1. THAT Section 17.2 of Procedural By-law No. 2009-109, as amended be deleted in its entirety and replaced with the following:

17.2 Every Member present at a meeting of Council where a question is put shall vote on the question, unless prohibited by statute, in which case the Clerk shall so record. The Chair may move or second any motion. The Chair shall vote on a motion but shall not have a second or casting vote in the event of an equality of votes on any motion.

ENACTED AND PASSED this 17th day of March, 2014.

John Eaton, Acting Mayor

Fernando Lamanna, Municipal Clerk