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Report To: **General Government Committee**

Date of Meeting: April 7, 2025 **Report Number:** LGS-006-25

Authored by: June Gallagher, Municipal Clerk

Submitted By: Rob Maciver, Deputy CAO/Solicitor, Legislative Services

Reviewed By: Mary-Anne Dempster, CAO

By-law Number: **Resolution Number:**

File Number:

Report Subject: Procedural By-law Review Including Repeal/Replace Current By-law

Recommendations:

1. That Report LGS-006-25, and any related delegations or communication items, be received;
2. That the By-law attached to Report LGS-006-25, as Attachment 1, to repeal and replace Clarington's Procedural By-law 2023-033, be approved; and
3. That all interested parties listed in Report LGS-006-25, and any delegations, be advised of Council's decision.

Report Overview

This report provides information about Staff recommendations to make changes to the Procedural By-law to improve clarity and efficiency, resulting in repealing and replacing the current by-law.

1. Background

- 1.1 Clarington's current Procedural By-law 2023-033 was enacted following a comprehensive revision discussed and described in [Report LGS-017-23](#).
- 1.2 Since then, the current By-law has been amended twice, arising out of the passing of the Strong Mayors Act ([Report LGS-018-24](#) and [By-law 2024-021](#)) and the recent enactment of the [Delegation of Authority By-law 2024-042](#) ([Report LGS-026-24](#)).
- 1.3 In the intervening period, the Clerk's Division has encountered several ways in which the by-law could be amended to further improve clarity and efficiency.
- 1.4 Additionally, Staff have reviewed other municipalities' procedural by-laws and several opportunities for improvement have been recommended.

2. Arranging Meetings

Special Joint Meetings

- 2.1 Special Council, GG and PD Committee meetings may be called by the Mayor or Council, but the Joint Committee meeting type is not referenced, so Special Meetings of this type cannot be called. To allow Special Joint Committee Meetings to be called, Staff recommend the following wording be added following the words "PD Committee" within subsections 4.4.1 and 4.4.2:

“, or Joint Meeting.”

Planning Public Meetings

- 2.2 Subsection 7.10.2 states:

“Public meetings, under the Planning Act, shall be limited to two per Planning and Development Committee meeting, unless otherwise agreed between the Municipal Clerk and the Director of Planning and Infrastructure Services.”

- 2.3 Other than some minor input to the choreography of meetings, there is nothing that the Municipal Clerk can lend to the decision. Given the current “planning landscape”, the Deputy CAO, Planning and Infrastructure is recommending that the limit be changed from two to three public meetings unless otherwise determined by the Deputy CAO, Planning and Infrastructure.

Changing Meeting Dates, Times and Locations

- 2.4 Subsection 4.16.1 allows that meetings may be cancelled by the Clerk in certain circumstances. However, there is no provision to move a meeting (as was the recent case of moving a budget meeting) or change the time or location. The result is that the matter has to go to Council or Committee to make these changes.
- 2.5 To make setting, and changing, meetings more streamlined, Staff are recommending that subsection 4.16.1 be changed to ensure wording that the meeting date, time, or location may be moved or changed by the Clerk in certain circumstances.
- 2.6 Other slight wording changes are being recommended in subsections 4.16.1 and 4.16.2.

3. Delegations

Definition

- 3.1 Clarington’s Procedural By-law defines a “delegation” as follows:

“Delegation means a person desiring to verbally present information on matters of fact, or to make a request to Council or Committee, as the case may be.”

- 3.2 Members of Council are meant to receive delegations and participate in debate, not be delegations. Staff are recommending that, for clarity to Staff when creating agendas and for clarity to Members of Council, the following wording be added to the above definition, after the word “person”:

“, excluding a Member of Council,”

Speaking to another Delegation

- 3.3 The current subsection 7.5.9 prohibits a delegation from speaking to another delegation as a way of circumventing other rules. However, subsection 7.5.13 speaks about allowing a delegation to speak to an item that is listed on the agenda. Therefore, these two sections can contradict each other.

- 3.4 To provide a smoother meeting, the delegation's correspondence is added to the delegation, rather than a separate item on the agenda. There have been instances where a delegation has requested to speak to the same matter of another delegation and the question arises whether this is allowed (because it used to be a correspondence item on the agenda, and they could have spoken to the item). This takes away the public's right to speak to a matter after the original agenda is published, and that was not the intent of this section.
- 3.5 As a result, Staff are recommending that the following current subsection 7.5.9 be deleted. This will allow further delegations to be added to the agenda to speak to a matter that another delegation is speaking to. The intended benefit is varying or differing opinions.

“No further delegations may be made in respect of a delegation placed on an agenda in accordance with this Sub-section. For clarity, a delegation cannot be a delegation to another delegation as a way of circumventing other rules outlined in this by-law, but may speak to attachments and links associated with other delegations, as long as it is in accordance with other delegation rules.”

Restricted Matters

- 3.6 Subsection 2.6.1 lists the restrictions on agenda items where “the Municipal Clerk shall refuse, at the request of a member of the public, to place on the agenda, and in an ECCIP.” However, the way it is worded means that Staff or a Member of Council can place restricted items on an agenda. To remedy this, Staff are recommending the removal of the words “at the request of a member of the public” and adding the words “unless the CAO determines it is necessary.” This will allow certain items that require Council decision or discussion, such as a litigation matter, to be added to the agenda, as needed.
- 3.7 Additionally, the current subsection 7.5.10 states that “no delegation may speak to matters described in subsection 2.6.” For clarity, Staff are recommending that the following wording be added to proposed subsection 7.5.9:
- “The delegation request will not be added, or noted, in the Agenda.”
- 3.8 Since there is a broad approach to restrictions on agenda items, Staff are recommending removing references to subsection 2.6 in subsections 7.14.9 and 8.4.

Not Listed on the Agenda

- 3.9 Current subsection 7.5.13 details what is to become of delegations for matters not listed on the agenda:

“A delegation, not listed on the agenda, shall not be heard without the consent of at least 2/3 majority of the Members present and shall be pertaining to an item listed on the Agenda. If the delegation is not pertaining to an item listed on the Agenda a suspension of the rules (3/4 vote) is required for the delegation to be heard.”

- 3.10 However, there is no clear guidance on what happens when the request is made in the above circumstance. In the past, Staff have added the name and noted that a suspension of rules will be required.
- 3.11 This puts Council in an awkward position of being obligated to add the delegation. To make it clear to the public that there is no guarantee that they will be added; and to provide clarity to Staff, Staff are recommending that the following wording be added to the end of subsection 7.5.13:

“The delegation request will not be added, or noted, in the Agenda.”

Speaking Twice at Council

- 3.12 Subsection 7.6.2 of the Procedural by-law prohibits delegations from persons who spoke to the same matter at a Standing Committee meeting:

“Notwithstanding Sub-section 7.6.1, Delegations shall not be permitted to speak to a matter that was considered at a Standing Committee, or is the subject of a Staff report or matter included under Unfinished Business included on the Council agenda, where the Delegation spoke to the item at a Standing Committee meeting, including a Public Meeting, which is being reported to Council.”

- 3.13 However, if a delegation spoke to a matter at a Council meeting and the matter was referred to a future Council meeting, there is no restriction on speaking a second time to the matter.
- 3.14 Therefore, to be consistent with the approach of a Standing Committee, Staff are recommending that “or Council” be added to subsection 7.6.2 following the words “Standing Committee.” This is in line with preventing a person from speaking at Standing Committee and at Council regarding the same matter.

- 3.15 It should be noted that there is no such restriction on speaking to the same matter multiple times at a Standing Committee meeting, prior to a decision of Council. Therefore, Staff recommend that Council refer matters back to a Standing Committee instead of a future Council meeting, as much as possible, if the intent is to hear delegations on the matter again.

4. Presentations

- 4.1 Subsection 7.4.1 explains when presentations are allowed. However, it was using vague terms such as “matters of significance” and “deemed necessary by the Municipal Clerk”. It was also missing “requested by Staff”. To provide clarity, Staff are recommending that subsection 7.4.1 be deleted and replaced with the following and renumbered accordingly:

“Provided that the request has been submitted to the Municipal Clerk prior to the Agenda Deadline, in the form determined by the Municipal Clerk, a person, organization, corporation, or appointed officer may be permitted to be listed under the “Presentation Section”:

7.4.2 Presentations shall include only the following:

- a) Awards or recognitions;
- b) Presentations from senior levels of government;
- c) Presentations from a member of Staff, in their professional capacity;
- d) Presentations requested by a Member of Council, or Staff; and
- e) Presentations as required by legislation.

5. Chair

Chair of Joint Meetings

- 5.1 Subsection 5.1.1 (b) outlines who chairs the General Government Committee meetings, but there is no clear indication of who chairs the Joint Meetings (i.e. General Government Committee and Planning Committee joint meetings). Staff are recommending the addition of subsection 5.1.1(e) indicating that the Mayor chair Joint Meetings unless unavailable or has designated another Member of Council.

Chair in Person

5.2 With more technology, comes changes in how meetings are run. Recently, in 2024, new technology was introduced called, “Request to Speak”. This allows the Chair to see, and manage, which Member of Council will speak next, regardless of whether the speaker is remote or in-person, providing a level playing field for remote speakers. As this technology is assigned to the Chair, it is installed on the computer in front of the Chair’s seat. Therefore, the Chair cannot use the “Request to Speak” function if they are remote.

5.3 The ”Duties of the Chair” already includes a note that the Chair shall preside in person for public meetings. For the above reason, and to ensure good communication with the Clerk and other Staff, Staff are recommending that the Procedural By-law be changed as follows resulting in the requirement for the Chair to preside in person at all types of meetings:

Delete the following words from subsection 3.2(o):

“Where the agenda includes a public meeting,”

Add the following words to subsection 3.2(o):

“unless the meeting is fully virtual.”

5.4 In the event that the meeting is fully virtual, the “Request to Speak” function will probably not be used by the Chair.

6. Agendas

Earlier Agenda Publication for Standing Committees

6.1 To allow Members of Council and the public to have a longer time to review the agenda and ask questions of Staff (or decide to be a delegation), Staff are recommending changes to the GGC and PDC agenda publication schedule, starting with the meetings in September 2025.

6.2 Council agendas are not moving, as it would mean the Council agenda would be published prior to the PDC meeting. The Council Agenda Deadline remains noon on the Wednesday prior and the Council Agenda Update Deadline remains 3:30 p.m. on the day prior to the meeting (usually Friday).

- 6.3 The Standing Committee Agenda Deadline will change to noon on the second Thursday prior to the GGC and PDC meeting (currently it is the Wednesday prior to the meeting, so, 6 days earlier). The publication of the Agenda will happen as soon after the noon deadline as possible but will be prior to “Friday at noon”. This earlier Agenda Deadline will also apply to New Business items, including ECCIP items, put forward by Members of Council.
- 6.4 The Agenda Update Deadline will change to noon on the Wednesday prior to the GGC and PDC meeting (currently it is the Friday prior to the meeting, so, 2 days earlier). This leaves time for Members of Council to ask questions of staff on any changes on the Agenda Update.
- 6.5 To correspond with the above changes, the Agenda Deadline and Agenda Update Deadline definitions have been updated.

Closed Meetings

- 6.6 Subsection 4.12.4 indicates that Committee/Council shall retire to the Ante Room, and references “vacating the room.” With the changes in the way that Committee/Council handles Closed Session and technology changes, this section needs to be updated. Staff are recommending that subsections 4.12.4(a) and (b) be deleted and (c) be updated to indicate that only those permitted in the meeting room or electronic meeting be allowed to stay.

Headings

- 6.7 The current Procedural By-law includes the following wording in subsection 6.4.2 for Special Meetings:
- “When preparing an agenda, the Clerk may include or exclude any headings that have no items after the Agenda Update Deadline.”
- 6.8 There is nothing that explicitly allows the Clerk to exclude any headings that have no items after the Agenda Update Deadline for Standing Committees and Meetings of Council. For example, we may not have “Business Arising from Procedural Notice of Motion” and removing the headings will make the agenda cleaner. Therefore, Staff are recommending that subsection 6.1.1 (and other sections be renumbered accordingly) be added as follows:
- “When preparing an Agenda, the Clerk may exclude any headings that have no items after the Agenda Update Deadline.”
- 6.9 Durham Region has similar wording to the above.

- 6.10 Currently, at the Council meetings, the Moment of Reflection is said immediately after Call to Order, and it is followed by the Land Acknowledgement Statement. The general norm in the industry is to have the Land Acknowledgment first. In order to show the greatest respect for the Land Acknowledgement Statement, Staff are recommending that the Land Acknowledgement be switched to be prior to the Moment of Reflection. This will only affect Council meetings, as they are the only ones with the Moment of Reflection.

Agenda Items on Standing Committees

- 6.11 There are instances where a report, or matter, does not fall under the strict description of the mandate of one of the Standing Committees, but it is more appropriate to consider the matter within that Standing Committee. For instance, if there is a Planning and Infrastructure report regarding a park – it would be more appropriate for a General Government Committee meeting than a Planning and Development Committee meeting. To allow more flexibility, and clarity, about which Committee considers matters, Staff are recommending the addition of subsection 5.2.2:

“Notwithstanding the mandates of the Standing Committees, the Municipal Clerk may place a matter on either Standing Committee, where it is deemed more appropriate by the CAO.”

Consent Agenda – Sub-Headings

- 6.12 The current by-law is the first Clarington Procedural By-law where we formalized a “consent agenda.” As Council works with this change, there will be “tweaks” that could assist with the consent agenda.
- 6.13 In subsections 6.2.1, 6.3.1, and 6.4.1, the headings are defined for Council and the Standing Committees. Under the “Consent Agenda” section, there are requirements for sub-headings (i.e. Minutes, Communications, Staff Reports, By-laws, etc.). By including these sub-headings, it forces the number of the agenda item to be quite lengthy. Staff are recommending that the requirement for the sub-heading be removed, and subsection 7.11.1 have words added to describe the type of items that might be in the Consent Agenda.

Unfinished Business

- 6.14 Subsection 7.18 provides for an unfinished business section at Standing Committees and Council and defines unfinished business as:

“Any matters presented, considered, referred, tabled, or deferred, or any items not otherwise disposed of through the consideration of an agenda matter, shall be disposed of during this portion of the Meeting.”

- 6.15 Now that we have a Consent Agenda and “Items for Separate Discussion”, there is no need for unfinished business (as the items will be coming back as a report/memo to be placed on the Consent Agenda or under “Items for Separate Discussion” for resolutions that are tabled to the meeting). Therefore, Staff are recommending the removal of the “Unfinished Business” agenda item.

Time Specific Items

- 6.16 Currently, the only type of item that the Municipal Clerk can specify a start time for is a presentation, in subsection 7.4.4. There may be instances when a specific non-presentation item needs to be at a set time in order to let the public know when it will be discussed.
- 6.17 Staff are recommending that this ability to specify a time be broadened and are recommending the addition of subsections 6.1.2 and 6.1.3 and the deletion of subsections 7.4.4 and 7.4.5 to allow for this ability.

ECCIP Pulled Items

- 6.18 Regarding Members of Council requesting that an item on the Electronic Council Communication Information Package (ECCIP) be added to the agenda, subsection 7.14.9 states:

“The pulled item will be included on the agenda of the appropriate Standing Committee if submitted to the Clerk prior to the Agenda deadline and if it is not restricted under section 2.5. For clarity, this will not be the meeting three calendar days from when the ECCIP was published, but rather a future meeting.”

- 6.19 Staff are recommending removing the reference to the restricted items (as it is taken care of in a broader manner and this is redundant).
- 6.20 There is very little detail about what Staff is to do with “pulled ECCIP items” if they come in after the Agenda Deadline. Therefore, Staff are recommending adding three sections, following subsection 7.14.9, that mirror the rules for New Business (because a pulled ECCIP item is effectively a New Business item.)

- 6.21 Clarity has also been added within section 7.14.7 that a seconder is required at the time of submitting a request to add an ECCIP item with a motion to the agenda.

7. Motions

“No Secunder” Motions

- 7.1 Upon review of the Region of Durham Procedural By-law, and some of the area municipalities’ procedural by-laws, Staff recommend removing all options to add a motion to the agenda without a seconder (with some exceptions). This will also be applied to any new sections of the Procedural By-law that involves adding motions to an agenda (see s. 7.4 below). This provides efficiency of the meeting and ensures that there are at least two Members willing to discuss the motion, which is consistent with the rules for moving a motion at the meeting. Motions are not on the floor for consideration and are not recorded in the minutes if no Member seconds the motion (s. 9.12.5 of the Procedural By-law). It also provides consistency within the procedures.
- 7.2 Accordingly, Staff have changed the following subsections from “no seconder” to “a seconder shall be required”:
- Subsection 7.14.7 (a request by a Member to place an ECCIP item on the agenda)
 - Subsection 7.16.7 (New Business item)
- 7.3 Staff are not recommending the requirement for a seconder on the Strong Mayors Powers subsection (9.12.4(b) and 9.12.4(c)) as they are covered under the Municipal Act.

Motion from Members Before Agenda Update Deadline

- 7.4 Staff are recommending that the following new subsections 9.12.13 to 9.12.16 be added to clarify how to handle motions that are submitted by Members for inclusion on the Agenda:

“If the Clerk receives, prior to the Agenda Update Deadline, a motion from a Member of Council regarding an item on the agenda, the Clerk shall place the submitted motion on the Agenda under the section, “Items for Separate Discussion”.

A seconder shall be required at the time of submission to the Clerk.

If the Member who submitted the motion is not present at the meeting, and no other Member moves the submitted motion, the submitted motion shall not be considered.

If multiple motions are received regarding the same item:

- a) Duplicates of a recommended or existing motion will not be accepted or added to the agenda.
- b) Motions will be placed on the Agenda in the order received and considered at the Meeting in that order.”

- 7.5 The above requirement for a seconder provides consistency with the recommendation in the previous section.
- 7.6 This does not prohibit Members from moving a different motion at the time of the meeting. However, it encourages Members to submit their motions ahead of time which increases transparency and notice to other Members, Staff, and the public. It also provides clarity on how Staff are to handle multiple motions that might be received for the same item.

Motions to Refer and Defer

- 7.7 Currently, the Procedural By-law indicates that a motion to refer can be debated but is not specific on what can be debated. It was always intended to limit the debate to the procedural matter, not the substance. To provide clarity, Staff are recommending that the following words be added to proposed subsection 9.12.19(d): “time/place/instructions only”.
- 7.8 Similarly, Staff are recommending that the following words be added to subsection 9.12.22(d): “time/place only”.

8. Decorum and Conduct

Recess without Motion – Due to Threat

- 8.1 Although, fortunately, the Municipality of Clarington has not experienced too many instances of disruptions, Staff are recommending that the following subsection 3.2(m) [and subsequent sections be renumbered accordingly] be added to the duties of the Chair, to provide a quick response in the event that the situation occurs:

“To recess the Meeting, without Motion, for a specified time if there is a threat or imminent threat to the health or safety of any person, or if there is a possibility of public disorder;”

Political Forum

8.2 Although subsection 2.6.1(i) under “Agenda Restrictions” states “involves candidates, political parties, or nominees for a political party”, there is a concern that speakers may stray to other topics once they have been added to the agenda and the meeting starts. Subsection 7.9.1 (c) under Conduct of Delegations and Presentations” section helps this to a certain extent: “delegations and presenters shall not speak on any subject other than the subject for which they have given notice to address Council/Committee.” In order to strengthen these sections, Staff are recommending the addition of the following words as subsection 7.9.1 (i) “use a meeting as a forum to speak on, or address, any matter relating to a campaign”. The same wording has been added as subsection 9.1.1 (f) under “Conduct of Members of Council or Members of Committees”. A definition of “campaign” has also been added. The intent of these changes is not to restrict advocacy related to other levels of government outside of election periods.

If a Member Refuses to Leave

8.3 Subsection 9.1.1(d) states that:

“No member shall disobey the Rules of Procedure or a decision of the Chair, on questions of Points of Order or procedure or upon the interpretation of the Rules of Procedure except where the ruling of the Chair is reversed by Council pursuant to Sub-section 10.6.2. If a Member persists in any such disobedience after having been called to order by the Chair, the Chair shall forthwith order the Member to vacate the Council Chambers or room in which the Meeting is being held, or remove the Member from an electronic meeting but if the Member apologizes they may, by a majority vote of the Members, be permitted to retake their seat.”

8.4 There is also subsection 3.2(j), the responsibilities of the Chair:

“To call by name, any Member refusing to comply with this Procedural By-law and to order the Member to vacate the Council Chamber, or the place of Meeting, as the case may be,”

8.5 The question has been raised “What if the Member doesn’t leave?” Ultimately, the Chair is responsible for enforcing “on all occasions, the observance of order and decorum among the Members.” To assist, and guide the Chair, Staff are recommending the addition of options available to the Chair in subsection 3.2(j), “in the event that the Member does not vacate:

- If the Member is present in person, the Chair may:
 - stop recognizing them to speak,

- turn off their microphone,
 - ask for a recess,
 - call Security to remove the Member, or
 - direct the Municipal Clerk to seek the appropriate assistance from the Durham Regional Police.
- If the Member is present electronically, the Chair may
 - stop recognizing them to speak,
 - turn off their microphone,
 - ask for a recess, or
 - cause them to be removed from the electronic meeting.”

8.6 To acknowledge electronic meetings, Staff are recommending that 3.2(j) be changed to “vacate the meeting room or electronic meeting”.

9. Housekeeping Items

9.1 There are several grammatical and spelling changes, errors with section references, and other minor changes (shown in the attached redline version) that Staff are recommending. The following are some examples:

- Change the title of “Director of Planning and Infrastructure Services” to “Deputy CAO, Planning and Infrastructure”
- Removing unnecessary references to specific sections of the by-law (to improve ease of reading and to make future updates easier).
- Subsection 3.4.3 was recently added to acknowledge that the Mayor does not need to leave the Chair if they were introducing a “motion” using Strong Mayor powers. However, it should have been broader because it can be any of the Strong Mayor powers (i.e. introducing a by-law or a budget). Therefore, Staff are recommending that 3.4.3 be changed to replace “introducing a motion under the” with “exercising any”.
- Creation of a new subsection 6.1 (General Agenda Matters) and moving sections that were duplicated on each of the Committee and Council agenda sections up into the new general subsection.

10. Financial Considerations

Not Applicable.

11. Strategic Plan

L.1.3: Empower staff to identify opportunities to improve efficiency and effectiveness.

12. Climate Change

Not Applicable.

13. Concurrence

Not Applicable.

14. Conclusion

It is respectfully recommended that Committee approve the changes recommended by Staff to Clarington's Procedural By-law, including the repeal of the current by-law. If approved, these changes will come into effect following the passing of the by-law, except for the changes to the agenda publication dates, which will begin with the September 2025 meetings.

Staff Contact: June Gallagher, Municipal Clerk, jgallagher@clarington.net and John Paul Newman, Deputy Clerk, jnewman@clarington.net

Attachments:

Attachment 1 – Draft Procedural By-law (redlined version for illustrative purposes)

Interested Parties:

There are no interested parties to be notified of Council's decision.