

Town of Georgina
Lake Drive Shoreline Jurisdiction Ad Hoc Committee
COMMITTEE AGENDA

Tuesday, March 29, 2016
6:30 PM
Committee Room- Civic Centre

1. CALL TO ORDER
2. ROLL CALL
3. INTRODUCTIONS OF ADDENDUM ITEM(S)
4. APPROVAL OF AGENDA
5. DECLARATIONS OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF
6. ADOPTION OF MINUTES
 - (1) Pages 1 - 11
Minutes of the meeting held on February 9, 2016.
7. PRESENTATIONS
 - (1) Staff presentation: Road allowance education.
8. CONSIDERATION OF REPORTS ON THE AGENDA
 - (1) Page 12
Draft Issues List
 - (2) Pages 13-16
Report on Interim Control By-Law
9. COMMUNICATIONS
 - (1) Pages 17- 57
Procedural By-law, approved by Council March 2, 2016.
10. OTHER BUSINESS
 - (1) Communication Protocols
 - (2) Next Meeting April 19, 2016
11. MOTION TO ADJOURN

1. CALL TO ORDER

The meeting was called to order by John Espinosa, Town Clerk, at 6:33 PM

2. ROLL CALL

The following Committee members were present:

Alan Direnfeld
Carr Hatch
Cathy Hasted (arrived at 6:51 PM)
Councillor Dan Fellini
Councillor Dave Neeson
Deyril Blanchard
Mayor Margaret Quirk
Peter Stevens
Susan Jagminas
Terry Holgate

The following Staff members were in attendance:

John Espinosa, Town Clerk
Rod Larmer, Manager of Building/Chief Building Official, Building Division
Andrew Biggart, Town Solicitor
Winanne Grant, Chief Administrative Officer
Harold Lenters, Director, Planning & Building, Planning & Building Department
Sarah Brislin, Committee Services Coordinator

The following Committee member was absent:

David Szollosy

3. INTRODUCTIONS

Committee members and staff introduced themselves.

4. ORIENTATION OVERVIEW

(1) Lake Drive Shoreline Jurisdiction Ad Hoc Committee Terms of Reference

- (2) John Espinosa, Town Clerk, stated the purpose of the Committee as it is written in the Committee's Terms of Reference:

To provide information and assistance in the drafting of a comprehensive policy for submission to Council with respect to the use of Town road allowance in the area of the Lake Drive North and East shoreline.

- (3) Town of Georgina Procedural By-law
- (4) Town of Georgina Code of Conduct
- (5) Town of Georgina Smoke-Free Workplace Policy
- (6) Town of Georgina Violence and Harassment Policy
- (7) Accessible Customer Service and IASR Volunteer Policy

The Committee was advised the Accessible Customer Service and IASR Volunteer Policy must be read, and that the page 95 needs to be signed and returned once read.

- (8) Ontario Sunshine Law Handbook

The Committee was asked to take the orientation material home and review before the next meeting.

5. ELECTION OF CHAIR AND VICE CHAIR

John Espinosa, Town Clerk, called for nominations of the Chair. Member Alan Dierenfeld offered a nomination for member Deyril Blanchard. Deyril Blanchard accepted the nomination.

John Espinosa, Town Clerk, called for additional nominations. No additional nominations were received. John Espinosa, Town Clerk, declared Deyril Blanchard the Chair by way of acclamation.

John Espinosa, Town Clerk, called for nominations of the Vice Chair. Chair Deyril Blanchard offered a nomination for Susan Jagminas. Susan Jagminas accepted the nomination.

John Espinosa, Town Clerk, called for additional nominations. No additional nominations were received. John Espinosa, Town Clerk, declared Susan Jagminas the Vice Chair by way of acclamation.

Deyril Blanchard, Chair, assumed the duties of presiding officer.

6. INTRODUCTIONS OF ADDENDUM ITEM(S)

The Chair, asked staff if there were any addendum items.

John Espinosa, Town Clerk, advised that there were none.

Winanne Grant, Chief Administrative Officer, explained that addendum items on the agenda are additions after an agenda has been issued.

The Chair asked if anyone had any additions before proceeding. Broadening the scope of the Terms of Reference (“TOR”) was suggested.

Winanne Grant remarked that a discussion of the TOR would be beyond the mandate of the Committee, and that broadening the Terms of Reference would fall under Council’s jurisdiction. She explained that the addendum items may be issued after the agenda is published as an addition to the agenda. It was clarified that it is in the interest of public awareness, that addendum items be added only when information is necessary and pertinent. Winanne recommended members (when faced with requesting addendums) consider rather than requesting addendums, refer that item to a future agenda.

Winanne clarified with respect to the Committee’s purpose and mandate that agenda item 10(1) (Development of Issues List) would offer the Committee an opportunity to discuss identify the issues and outcomes that the Committee is hoping to achieve.

Inquiry as to whether Committee members could suggest changes to the TOR. Winanne, advised that this Committee doesn’t have a mandate to be discussing the Terms of reference they have a mandate to be enacting the terms

7. APPROVAL OF AGENDA

Moved by Margaret Quirk, Seconded by Peter Stevens

RESOLUTION NO. LDSJAH-2016-0001

That the agenda for the Lake Drive Shoreline Jurisdiction Ad Hoc Committee meeting held on February 9, 2016, be approved as presented.

Carried.

8. DECLARATIONS OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF – *None*

Andrew Biggart, Town Solicitor, advised that in his legal opinion members who live on Lake Drive do not have a conflict of interest because Council will be the

final determiner of outcomes. Members who live on Lake Drive are representative of residents living on Lake Drive who are effected by the same concerns.

Councillor Neeson inquired of Mr. Biggart if it would not be prudent for the Committee members, Councillors or otherwise to disclose their addresses as a matter of public interest. Mr. Biggart advised that it was not necessary.

9. ADOPTION OF MINUTES – *None*

10. CONSIDERATION OF REPORTS ON THE AGENDA

(1) Development of Issues List – group discussion

Winanne Grant, Chief Administrative Officer, advised that the Issues List was to be developed from a group discussion involving:

- experiences
- quandaries
- difficulties
- what is clear
- what is unclear
- what needs to be dealt with and,
- what needs to be prioritized.

The following issues were discussed at this time:

Main Issue(s)

Discussion

Ownership

Exclusive use

- Owners acquiring portion of property owned by the Town – A policy to allow ownership of abutting property.
- People accessing private docks via Town property.
- Owners facing difficulties with insure their dock because the Town owns the adjoining land.
- Conveyance of property for nominal cost as it is currently occupied. Benefit would be the ownership is recognized and properly documented.
- Identify what portion on the lakeside can be sold.

Liability/ Indemnification

- For the Town because the public using the Town-owned

property.

- Suggestion that transferring ownership will eliminate the liability for the Town.
- For the abutting owners, difficulties insuring docks.
- If there is a lawsuit and the Town is an owner of the property than it are liable, regardless of if it is tenanted or there is an exclusive use agreement.
- There are more hazards on the shoreline side of the road than the other side so the Town is not concerned about the liability on the other side of the road allowance.

Road Allowance

- The shoulder of the road on the lake side, who owns it, and what should be allowed to be built on it.
- Suggestion: the road allowance should be a consistent figure
- Suggestion: a straight forward standard distance.
- Suggestion: travel portion plus 1.5 meters on either side.
- Staff clarified the mandate of the Committee is dealing with the road allowance owned by the Town, and not the properties the Town views as legitimately privately owned. It was further clarified that the road allowance is 33 feet on either side of the road from the road median, which means the Town owns most waterfront properties because not many properties are longer than that distance.

Question – can road allowance be changed?

Will value change if owned?

What is Clear - Pg. 2 bullet # 1 of Terms of Reference states:

i. Draft formal policy, for recommendation to Council, pertaining to acceptable use of Town road allowance in the area of the North and East shoreline of Lake Drive.

ii. Ensure such draft policy:

- Provides for continued exclusive use of the road allowance abutting the Lake Simcoe shoreline by indirect lake front property owners.

Dealing with lakeside road allowance as per TOR, not the east and north side road allowances which are required for access to infrastructure and municipal maintenance activities. That road allowance is there to allow the municipality access to utilities. The Shoreline is a unique situation.

Raised - East of Dalton Rd. around Mossington Bridge, the road allowance is 39 ft.

A road allowance is not only in case the municipality wants to widen the road (i.e. situation a couple of years ago where lost part of road to erosion and needed access to the road allowance to preform repairs.

What is Unclear

Taxes - Are they higher for lakefront ownership versus Lakefront vista or the same?

- Owners on lakefront would like to own the lakefront
- Exclusive use – Council cannot be bound by future Council. Mr. Biggart clarified that a lease falls under contract law and is a binding contract and prevents unilateral action in the future.
- Belief that the value of property will increase if it is purchased, meaning taxes would increase versus the fact that property has been bought and sold for years with the assumption that the lakefront is part of the sale. Therefore, the value is included in those transactions which means taxes wouldn't change.

If conveyance of the lake strip property is an option, there could be potential for some owners wanting to purchase and other owners who do not want to purchase. Is there a problem: If some people own and others lease and some do not if becomes a jagged edge – concern at Council. As long as it is clear who ones it.

Allowable Uses

Influx of applications, concerns that there is going to be a rush of applications. Residents, may believe when hearing that there is a policy being implemented will want to try and get out in front of it and get their applications in before a policy is established. Staff advised there is already increased inquiries and activities.

Interim Control By-law (ICB) – To prevent development while the Committee works on their mandate. Suggested by staff that and ICB if recommended should be unanimous decision. Requires a study to be completed within a year (there is also a possibility of one extension if required). Ownership becomes a non-issue because there is a by-law to ensure construction is stopped. If the ICB is ignored, the Town could get a court order to make owners

stop building and take down structure right away. It would be a publicly declared paused.

Special provisions for notifying residents. There would need to be a discussion of what public notification is wanted.

An ICB can also be clarified to control certain aspects, the example used would be limiting structures to a certain size.

Current situation where the Town's rights are being challenged, there is the potential that challenge will take the Town to court. There is that extent of pushback of interpretation of who has control over the lands. Rather than getting to Court the Town would like to have a cooperative plan.

The challenges to ownership of property present challenges to staff when issuing a building permit. Without a policy limiting the allowable uses the town does not have a right to turn down owners applying for a building permit to build on their property, assuming it meets the code and current zoning standards. For properties where ownership is being challenged declining a building permit could mean court where as an ICB if challenged would be at the OMB rather than court and is less likely to be challenged as they are harder to challenge.

A policy will establish good will.

Are there alternative options to ICB? Why an ICB and not a By-law? And ICB stops temporarily. A regular by-law could be appealed and takes much longer to put in place. An ICB can be appealed on the basis of whether there is validity and is harder to challenge.

Optics- An ICB, how does it look if one of the first recommendations of the Committee is to stop all development on Lake Drive?

Staff clarified that the Operations Department is getting a lot of inquiries and need something in place.

Length of time required for Committee to achieve their mandate.

What can and cannot be built while a solution to Ownership issues is being worked on

The Need for a Town policy – Staff currently making decisions without direction. Staff need to know the appropriate use of land, encroachments, uses, fences, hedges, setbacks. Needs to be

resolved regardless of who owns it.

What's appropriate in terms of new uses and what to do with existing uses (allowing expansion or not).

Legislative frame work – Jurisdiction of Ministry of Natural Resources and Lake Simcoe Region Conservation Authority.

Committee

Question was raised about open meetings and the ability for members to share information with people outside of the meeting. Whether additional outside meetings could be illegal “meetings.”

Andrew Biggard offered that that members are able to share the information but without a resolution, the person conveying the message should be clear if they are relating perceptions and an individual opinion- not a reflection of the Committee's position or work. .

Committee can't direct staff- members vote on motions, not staff actions.

Committee is here to work together.

Importance of staying on track to come to a mutual solution. Not meant to be confrontational.

Mandate

- Terms of reference
- East and North side of Lake Drive.

Question raised regarding the process, can there be parallel process/discussion with the policy and ownership issue? Can staff work on the ICB while the Committee works on the Ownership issue?

It was clarified that staff could make the recommendation for the ICB themselves that it doesn't have to be a recommendation of the Committee. There can be varying degrees of what the Committee's involvement could be- from recommending to not being in support, or to be supportive of, rather than recommending.

Staff clarified that they are suggesting options because it is

unknown what that the position of Committee members is and what preferred action is.

Rumours Report No. OED-2015-0025 belief that Town is looking to develop the land. Staff reiterated that the report came out because there is no allowable uses policy to deal with development inquiries.

Moved by Peter Stevens, Seconded by Alan Direnfeld

RESOLUTION NO. LDSJAH-2016-0002

That the Committee support the staff idea of a pause in the form of an Interim Control By-Law to provide space for the work by the Committee on the Terms of Reference.

Discussion:

Clarified the motion is not saying you agree with the report it is just approving a report being made.

Winanne Grant suggested that staff report back with options.

That a recommendation be made to staff requesting the preparation of the report on the advisability of implementing an interim Control By-Law or other mechanisms as an alternative.

That LDSJAH recommend that staff are requested to prepare a report on the advisability of implementing an interim Control By-Law or other similar mechanisms

Andrew Biggart suggested that motion should identify the general area that the ICB would apply to.

Discussion of whether it is better to have staff make a recommendation and report absent of the Committee involvement,

Staff and the Committee clarified the motion under consideration. John Espinosa, Town Clerk, requested the mover and the seconder to approve the discussed amendments. The mover and seconder agreed to the amendments.

Moved by Peter Stevens, Seconded by Alan Direnfeld

RESOLUTION NO. LDSJAH-2016-0002

That Lake Drive Shoreline Jurisdiction Ad-Hoc Committee recommend that staff be requested to prepare a report on the advisability of implementing an Interim Control By-Law or other similar mechanisms with respect to road allowance development to allow the Lake Drive Shoreline Jurisdiction Ad-Hoc Committee time to work on its mandate.

Carried.

RESOLUTION NO. LDSJAHC-2016-0003

Moved by Peter Stevens, Seconded by Dave Neeson

That the Committee request staff input to the Committee at the next meeting on the Town's view of the hurdles to ownership.

Discussion:

Allan Direnfeld offered a friendly amendment. Point of Order raised by Councillor Neeson with respect to an improper motion because the North and East side of road allowance is beyond the Committee's mandate. After Committee consideration, the original motion was withdrawn by Peter Stevens.

Moved by Alan Direnfeld, Seconded by Peter Stevens

RESOLUTION NO. LDSJAHC-2016-0003

That the Lake Drive Shoreline Jurisdiction Ad-Hoc Committee recommend that a report be obtained from staff and delivered to this Committee with respect to the granting of exclusive use including by way of transfer of ownership, granting of a license, and/or leasing of portions of the Lake Drive shoreline road allowance to abutting land owners.

Carried.

11. COMMUNICATIONS

- (1) Report No. OED-2015-0025 dated July 14, 2015 re LAKE DRIVE North and East - Policy re Shoreline Development

The Committee was advised this report was added to the agenda as information for the Committee members.

Moved by Peter Stevens, Seconded by Councillor Dave Neeson

RESOLUTION NO. LDSJAHC-2016-0004

That Report No. OED-2015-0025 (LAKE DRIVE North and East- Policy re Shoreline Development) be received by the Shoreline Jurisdiction Ad-Hoc Committee.

Carried.

12. OTHER BUSINESS

(1) Next Meeting

The Committee discussed potential dates for coming meetings and whether they wanted reports to come back at the same meeting or two separate meetings. It was determined that the Interim Control By-law would come back to the next meeting and the second report would come the second night.

It was determined that March 29, 2016, would be the next meeting to discuss the report expected from staff regarding the Interim Control By-Law.

A Lake Drive Shoreline Jurisdiction Ad Hoc Committee meeting was scheduled for April 19, 2016, to discuss the report expected from staff regarding transfer of title, ownership, licensing and leasing options.

The Committee agreed to continue with the 6:30 p.m. start time.

The Committee discussed requesting that the Operations Department present a Road Allowance 101 presentation at a subsequent meeting as well as having Rob Baldwin from the Lake Simcoe Region Conservation Authority (LSRCA) attend the next meetings to sit as in an advisory capacity regarding LSRCA and Ministry of Natural Resources legislation and jurisdiction.

Committee discussed the example of Innisfil where owners can buy their road allowance.

Concerns were raised that the ownership issue needs to remain front and center

13. MOTION TO ADJOURN

Moved by Mayor Margaret Quick, Seconded by Councillor Dan Fellini

RESOLUTION NO. LDSJAHC-2016-0005

That the Lake Drive Shoreline Jurisdiction Ad Hoc Committee February 9, 2016 meeting be adjourned at 9:33 p.m.

Carried

**LAKE DRIVE SHORELINE JURISDICTION AD HOC COMMITTEE:
ISSUES LIST**

1. Ownership is unclear and must be resolved

Many residents believe they own their waterfront, have a capital investment in that waterfront and/or have deeds which purport ownership. Residents purchased their property under the premise they owned their waterfront, paid waterfront prices and pay waterfront taxes. Some residents have documentation to confirm their ownerships, whereas some may not.

The Town has received legal opinion that does not support Resident ownership.

This lack of clarity has been an ongoing issue for decades and attempts to resolve it have never been successful. This lack of clarity presents a potential exposure to liability for both the Town and Residents. There have been instances where the general public has entered onto what Residents consider their private waterfronts. This raises public safety concerns since these situations have resulted in face to face conflict.

Establishing ownership is necessary in order to resolve this long-standing issue once and for all.

2. Development along waterfront is problematic and needs clear guidelines

There is a need to determine what is allowable in terms of reasonable use/construction and enforcement. There is a need to ensure the protection of the shoreline. There is a need to maintain/protect the integrity of the travelled road. There is also a need to clarify the confusion around what the road allowance is.

3. An interim solution is necessary

Staff are operating in a policy void, and have been for years. There is a desire for some sort of interim measure to deal with development requests until guidelines are established and ownership is resolved.

COMMITTEE STRATEGY TO DEAL WITH ISSUES LIST

A. Come up with an interim solution (suggested timeline: 0 – 6 months)

This will resolve the Town's concern about development applications coming in while the other issues are being resolved. Town staff are exploring options for consideration by this Committee.

B. Develop a policy regarding development/construction/improvement (suggested timeline: 3 – 12 months)

This will resolve both the Town and Resident concerns around development as there will be a clear policy and guidelines created. There is also the need to clarify the confusion that exists around what is considered the road allowance. Public consultation will be an important part of this.

C. Resolve ownership (suggested timeline: 3 months – 2 years)

This group needs to examine and evaluate mechanisms that would provide for clarity of ownership, either through confirming ownership, transferring ownership, establishing some sort of exclusive use, through some combination thereof, or through some other means. This will be the most challenging to deal with as it will require significant research as well as consultation with Residents.

March 18, 2016

Lake Drive Shoreline Jurisdiction Ad Hoc Committee
The Corporation of the Town of Georgina
26557 Civic Centre Road
Keswick, ON L4P 3G1

Dear Mayor Quirk, Chairman Blanchard and Committee Members:

Re: Potential Interim Control By-law for Lake Drive North and East

The Lake Drive Shoreline Jurisdiction Ad Hoc Committee (“Committee”) was established for the purpose of providing information and assistance in the drafting of a comprehensive policy for Council’s consideration regarding residents’ use of the Town’s road allowance by the shoreline along Lake Drive East and North. At its first meeting on February 9, 2016, the Committee requested information on the use and benefit of interim control by-laws, and how one may be applied to the Town of Georgina’s road allowance on the Lake Drive North and East shoreline.

An interim control by-law, which is described in more detail below, may serve as an effective means for the control of land use and construction on the Lake Drive North and East road allowance along the shoreline (“subject lands”), while the Committee undertakes its mandate. More specifically, the subject lands can be described as being the lands within the Lake Drive North and East road allowance located outside of the travelled portion of the road (i.e. from the edge of pavement) on the lakeside.

The unresolved issue of the ownership of the subject lands will not affect the applicability of a valid interim control by-law. As such, an interim control by-law may be passed by Council while the ownership issues regarding the subject land that have been raised with the Town can continue to be addressed. The Town will have the ability to enforce the provisions of the interim control by-law through prosecution proceedings once the by-law is in effect.

Interim Control By-laws

An interim control by-law is a special type of by-law that is created under the authority of section 38 of the *Planning Act*, R.S.O. 1990, c. P. 13. It permits the council of a municipality to pass a by-law which prohibits the use of land, buildings, or structures within a defined area or within the entire municipality, except for such purposes as may be set out in the by-law. An interim control by-law must conform to the official plan.

An interim control by-law shall be in effect for a limited period as specified therein, which period shall not exceed one year from the date of passing of the by-law.

The council of a municipality may amend an interim control by-law to extend the duration that it is in effect, provided that the total time that the interim control by-law is in effect does not exceed two years from the date that the interim control by-law was passed.

A prerequisite to the passing of an interim control by-law is that council has by by-law or by resolution, directed that a review or study be undertaken of land use policies in the defined area or in the municipality.

An interim control by-law does not require notice or a hearing prior to its passing; however, the clerk shall provide notice of the passing of an interim control by-law in the manner prescribed in the regulations within 30 days of its passing.

Any person or public body that was given notice of the passing of an interim control by-law may appeal the by-law to the Ontario Municipal Board within 60 days of the date of its passing. An appeal requires that a notice of appeal be filed with the clerk of the municipality, which notice sets out the objection to the by-law, and the reasons in support of the objection. To be upheld, the by-law must have been validly passed, not discriminatory, and not have been enacted in bad faith. Circumstances where interim control by-laws were repealed by the Board is where the by-law lacked planning rationale (e.g. its purpose is to delay the development of lands), or was patently unfair (e.g. there was no evidence to justify the passing of the by-law).

Upon the expiry or repeal of an interim control by-law, or in the event that its area of applicability is reduced, the provisions of the zoning by-law that applied prior to the passing of the interim control by-law will resume to be in force over the defined area (or entire municipality), unless council passed another by-law for those lands following the completion of a study or review, while the interim control by-law was in effect.

Lands that are subject to an interim control by-law that has ceased to be in effect cannot have a subsequent interim control by-law apply to them for a period of three years.

The application of an interim control by-law to the road allowance of Lake Drive North and East

The consideration of a potential interim control by-law should first identify the lands that will be subject to the by-law. Due to the specific limited area of interest in this matter, coupled with the fact that lands on which an interim control by-law had applied cannot be subject to a subsequent interim control by-law for a period of three years, it is in the best interest to have an interim control by-law apply to only such lands as are necessary. The lands can be defined on a map attached as a schedule to the by-law (note: staff is in the process of preparing this map).

As described above, an interim control by-law requires that Council already has carried a resolution or by-law directing that a study be undertaken. This is a necessary first step preceding the passing of an interim control by-law. Given the recent issues identified by the Committee with respect to the Lake Drive North and East road allowance and the shoreline, a review or study should identify the objectives that are sought to be achieved, the character of the area that is wished to be maintained, the current use of the lands, what type of use should be allowed in

order to meet the identified objectives, and what, if any, amendments to the zoning by-law are required for the objectives to be met. The study can identify the current buildings and structures on the lands near the lake's shore and assess what, if any, negative impact they have depending on their nature, size, location, etc.

An interim control by-law need not completely prohibit any use or development of an area; it may instead define the use of the land, buildings and structures that are permitted within the Lake Drive North and East road allowance and any additional lands.

It is recommend that if an interim control by-law is brought into effect, the lands subject to it be restricted to a modified version of the uses and activities that are identified in Report No. OED-2015-0025 *Lake Drive North and East –Policy re Shoreline Development*, which was prepared for the consideration of Council on July 14, 2015 (found at pages 4 to 6 of Report No. OED-2015-0025, under the heading “Policy RD 19 Analysis”), as follows:

1. **Fences:** fences to be located 1.5 metres minimum from the edge of the pavement, with a maximum height of 1.0 metre measured from the ground immediately below the fence, which can only be installed parallel to the road, and the area of the fence material does not exceed 50% of the fence's overall area.
2. **Landscaping:** small plants, flowers, grasses, etc. to be located 1.5 metres minimum from the edge of the pavement. Trees, shrubs, hedges and similar linear plantings, shall not be permitted.
3. **Retaining Walls and Grading:** the construction, repair and replacement of retaining walls of a height less than 0.6 metres and/or the re-grading of the subject lands, in accordance with a construction design plan that is approved by the Town.
4. **Water and Sewer Service Laterals:** the provision/construction of water and sewer services to cabins, bunkies, boathouses and other buildings or structures on the Lake Drive North and East road allowance, shall not be permitted.
5. **Rehabilitation and Renovation of Existing Buildings and Structures on, or partially on, the Road Allowance:** existing boathouses, cabins, sheds, cabanas, docks, cribs, and other accessory buildings and structures such as steps, stairs etc., may be rehabilitated and renovated, but only to the extent that it does not involve the requirement for a building permit (*this blanket building permit restriction requires further discussion as to whether it's too restrictive- what if there is a health or safety issue that requires rectification under the Building or Fire Codes and requires a permit, and; should there be a definition of “existing” in terms of a defined date as to the existence of buildings/structures, so that any more recent construction on the road allowance without the Town's permission are not “grandfathered” so to speak through the interim control bylaw*). Additionally, no new buildings or structures shall be permitted.

In summary, it is recommended that an interim control by-law be passed in this case to allow the Town, in conjunction with the Committee, the appropriate time to undertake a study to better understand the issues regarding the Lake Drive North and East road allowance, to attempt to resolve the issues related to the interests of the residents adjacent to the road allowance, and to determine what uses upon the subject lands are appropriate. While these steps are occurring, an interim control by-law in the form recommended would limit and restrict the permitted uses and construction activities as set out above, which appears reasonable in terms of scale and intensity, and which is generally in keeping with the historical use of the subject lands.

THE CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK

BY-LAW 2016-0014 (COU-2)

PROCEDURAL BY-LAW

| | PAGE |
|---|-------------|
| 1. DEFINITIONS..... | 4 |
| 2. GENERAL PROVISIONS..... | 9 |
| 2(1) Rules and Regulations..... | 9 |
| 2(2) Interpretations..... | 10 |
| 2(3) Roles of Council and Head of Council..... | 10 |
| 2(4) Presiding Officer..... | 11 |
| 2(5) Duties of the Presiding Officer..... | 11 |
| 2(6) Conduct of Members..... | 12 |
| 2(7) Decorum..... | 13 |
| 2(8) No Quorum..... | 15 |
| 2(9) Late Arrival..... | 15 |
| 2(10) Disclosure of Pecuniary Interest and the Nature Thereof..... | 16 |
| 2(11) Points of Order or Privilege..... | 16 |
| 2(12) Signing Authority..... | 17 |
| 3. COUNCIL MEETINGS..... | 17 |
| 3(1) Inaugural Meeting..... | 17 |
| 3(2) Regular Meeting..... | 17 |
| 3(3) Special Council Meeting..... | 18 |
| 3(4) Emergency Meeting..... | 18 |
| 3(5) Public Meetings..... | 18 |
| 3(6) Postponement of Meeting..... | 19 |
| 3(7) (a) Location of Meetings..... | 19 |

| | | |
|-----------|---|-----------|
| 3(8) | Recording of Meetings..... | 19 |
| 3(9) | Notice of Meetings..... | 19 |
| 3(10) | Committees/Local Boards of Council..... | 20 |
| 4. | AGENDA..... | 22 |
| 4(1) | Order of Business..... | 2 |
| 4(2) | Changes in Order of Business..... | 23 |
| 4(3) | Addendum Items..... | 23 |
| 4(4) | Delegations and Petitions..... | 24 |
| | a) Delegations..... | 24 |
| | b) Petitions..... | 25 |
| 4(5) | Speakers Regarding Items on the Agenda..... | 26 |
| 4(6) | Presentations..... | 27 |
| | a) Public Presentations..... | 27 |
| | b) Invited Presentations..... | 28 |
| | c) Staff Presentations..... | 29 |
| 4(7) | Communications and Proclamations..... | 30 |
| | a) Communications..... | 30 |
| | b) Proclamations..... | 30 |
| 4(8) | Outside Resolutions..... | 31 |
| 4(9) | By-laws..... | 31 |
| 5. | COUNCIL IN CLOSED SESSION..... | 31 |
| 5(1) | Council Closed Session Procedure..... | 31 |
| 5(2) | Type of Business..... | 31 |
| 5(3) | Resolution to Meet in Closed Session..... | 32 |
| 5(4) | Voting in Closed Session..... | 33 |
| 5(5) | Confidentiality..... | 33 |

| | | |
|-----------|---|-----------|
| 6. | AGENDAS AND MINUTES..... | 33 |
| 6(1) | Preparation and Distribution of Agenda..... | 33 |
| 6(2) | Minutes..... | 34 |
| 6(3) | Administrative Authority of Clerk..... | 34 |
| 6(4) | Adoption of Minutes..... | 34 |
| 7. | MOTIONS..... | 35 |
| 7(1) | General Rules..... | 35 |
| 7(2) | Motion under Debate..... | 35 |
| 7(3) | Adoption in a Single Motion..... | 36 |
| 7(4) | Motion Containing Two or More Matters..... | 36 |
| 7(5) | Motion to Amend..... | 36 |
| 7(6) | Motion to Refer..... | 37 |
| 7(7) | Motion to Defer..... | 37 |
| 7(8) | Motion to Table..... | 37 |
| 7(9) | Motion to Recess..... | 37 |
| 7(10) | Withdrawal of Motion..... | 38 |
| 7(11) | Reconsideration of a Motion..... | 38 |
| 7(12) | Notice of Motion..... | 39 |
| 7(13) | Suspension or Waiving of Rules..... | 39 |
| 8. | VOTING..... | 39 |
| 8(1) | Voting on Motions..... | 39 |
| 8(2) | Member Disagrees with Announcement of Vote. | 39 |
| 8(3) | Member Who Does Not Vote..... | 40 |
| 8(4) | Tie Vote..... | 40 |
| 8(5) | Recorded Vote..... | 40 |
| 9. | ADMINISTRATION..... | 40 |

THE CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK

BY-LAW 2016-0014 (COU-2)

PROCEDURAL BY-LAW

A BY-LAW TO GOVERN THE CALLING, PLACE AND PROCEEDINGS OF MEETINGS FOR THE TOWN OF GEORGINA.

WHEREAS Section 238 (2) of the *Municipal Act, S.O. 2001, c. 25*, as amended, provides that every municipal Council pass a by-law for governing the calling, place and the proceedings of meetings;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GEORGINA HEREBY ENACTS AS FOLLOWS:

1. **DEFINITIONS**

In this by-law:

- (1) **“ACTING MAYOR”** means the Member of Council who has been appointed by by-law to act in the place or stead of the Deputy Mayor in the absence or incapacity of the Mayor and subsequent Deputy Mayor. (Deputy Mayor is also referred to as the Regional Councillor).
- (2) **“ADDENDUM”** means any addition to a completed written agenda or addition to an item on the agenda. Changes in motions or resolutions following discussion on an agenda item are not considered an Addendum.
- (3) **“AD HOC COMMITTEE”** means a committee established by Council from time to time to act on a temporary or singular initiative or matter, and shall be deemed discontinued when its recommendations upon the specified initiative or matter have been provided and further recommendations are no longer required unless it is continued by Council.
- (4) **“ADJOURN”** means to end the meeting.
- (5) **“ADVISORY COMMITTEE”** means a committee established by Council from time to time to act in an advisory capacity to Council on operational and strategic matters.

- (6) “**CAO**” means the Chief Administrative Officer of The Corporation of the Town of Georgina or their designate.
- (7) “**CLERK**” means the Town Clerk or a Deputy Clerk of the Town.
- (8) “**CLOSED SESSION**” refers to a meeting or portion thereof which is closed to the public in accordance with the applicable legislation.
- (9) “**COMMITTEE**” means any statutory advisory, subcommittee, standing, ad hoc, steering, or other committee, or similar entity of The Corporation of the Town of Georgina.
- (10) “**COMMITTEE MEMBER**” means a member of a committee of The Corporation of the Town of Georgina.
- (11) “**CONFIRMATORY BY-LAW**” means a by-law passed for the purpose of giving general effect to a previous decision or proceedings of Council.
- (12) “**CONSENT AGENDA**” means that portion of the Council agenda that contains reports from which members select the specific reports they wish to discuss. The remaining reports on the consent agenda (i.e. those reports that are not selected for discussion) are approved in one motion.
- (13) “**COUNCIL**” means the Council of the Corporation of the Town of Georgina.
- (14) “**DELEGATION**” means a person or group who has made a written request to address Council on a specific matter, and by virtue of the written request shall appear as a delegation on an agenda.
- (15) “**DEPUTY MAYOR**” means the Regional Councillor.
- (16) “**INVITED PRESENTATIONS**” means an address to Council normally at the request of Council or the Chief Administrative Officer, by a person, level of government or agency or other body on a specific matter.
- (17) “**LOCAL BOARD**” means a body established by Council pursuant to a specific statutory authority.
- (18) “**MAJORITY**” means more than half of the members present at the Council, committee or local board as follows:

Majority of 7 members equals 4

Majority of 6 members equals 4

Majority of 5 members equals 3

Majority of 4 members equals 3
Majority of 3 members equals 2
Majority of 2 members equals 2

- (19) **“MAYOR”** means the Head of Council of The Corporation of the Town of Georgina.
- (20) **“MEETING”** means any regular, special, closed or other meeting of the Council, committee or local board.
- (21) **“MEMBER”** means a Member of Council, committee or local board and includes the Mayor.
- (22) **MOTIONS AND PROCEDURE**
- (a) **“AMENDING MOTION”** means to change the words of a pending motion.
- (b) **“MAIN MOTION”** means a motion that is brought before Council, for its consideration, on any particular subject independent of any other pending motion.
- (c) **“MOTION TO RECONSIDER”** means consider again. A motion to reconsider allows Council to consider again a motion on which a vote has been taken previously.
- (d) **“MOTION TO SUSPEND OR WAIVE THE RULES”** means to render temporarily ineffective one or more rules of order.
- (e) **“MOTION TO DEFER”** means to postpone all discussion on the matter until later in the same meeting or to a future date which is established as part of the motion.
- (f) **“MOTION TO RECEIVE”** means to receive the information.
- (g) **“MOTION TO RECESS”** means to take a short break or intermission in a meeting for a specified length of time. “Stand at ease” is an alternative for use when allowing the gallery to clear during a meeting.
- (h) **“MOTION TO REFER”** means to direct a matter under discussion by Council to a committee or a department head for further examination.
- (i) **“MOTION TO TABLE”** means to postpone without setting a definite date as to when the matter will be re-discussed.

- (j) **“NOTICE OF MOTION”** means a statement of intention for a future meeting and is required in the case of intended motions being raised by any Member at the next scheduled meeting.
- (k) **“POINT OF ORDER”** means the raising of a question by a Member for the purpose of calling attention to a deviation or departure from the rules of procedure.
- (l) **“POINT OF PRIVILEGE”** means the raising of a question by a Member or the Chief Administrative Officer, where such member or the Chief Administrative Officer, feels that his/her integrity, the integrity of the Council, or the integrity of staff has been impugned by another member, a delegate, a presenter or a speaker.
- (m) **“POINT OF INQUIRY”** means the raising of a factual inquiry regarding business matters or procedural inquiry regarding the rules of order.
- (n) **“SUBSIDIARY MOTION”** means a motion applied to other motions for the purpose of disposing or amending a main motion.
- (o) **“TWO-THIRDS VOTE”** means an affirmative vote of at least two-thirds of the members present at the time of the vote as follows:
 - Two-thirds of 7 members equals 5
 - Two-thirds of 6 members equals 4
 - Two-thirds of 5 members equals 4
 - Two-thirds of 4 members equals 3
 - Two-thirds of 3 members equals 2
 - Two-thirds of 2 members equals 2.
- (p) **“WITHDRAW OR MODIFY A MOTION”** means withdrawal or modification of a motion by the mover, if applicable.
- (23) **“NEWSPAPER”** means a printed publication in sheet form, intended for general circulation, published regularly at intervals of no longer than a week, consisting in great part of news of current events of general interest and sold to the public and regular subscribers.
- (24) **“NOTICE”** means a written, published or printed notification.
- (25) **“OUTSIDE RESOLUTIONS”** means a resolution from the Region or other municipality received by the Town.

- (26) “**PECUNIARY INTEREST**” means an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For the purposes of the *Municipal Conflict of Interest Act*, R.S.O. 1990 c. M.50, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

- (a) the member or his or her nominee,
- (i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,
 - (ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or
 - (iii) is a member of a body, that has a pecuniary interest in the matter; or
- (b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter.
- (27) “**PETITIONS**” means the presentation of a formal request, in writing, to Council, committee or local board.
- (28) “**PRESIDING OFFICER**” means the Mayor, or designate or appointed Chair who presides at meetings of Council, committee or local board meetings.
- (29) “**PROCLAMATIONS**” means an official public announcement and symbolic gesture of endorsement.
- (30) “**PUBLIC HOLIDAY**” means and includes New Year's Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving, Christmas Day, Boxing Day, and any other day proclaimed by Council as a civic holiday.
- (31) “**PUBLIC MEETING**” means a public meeting held pursuant to the Planning Act or other legislation where statutory notice is required.
- (32) “**PUBLIC PRESENTATION**” means an address to Council at the written request of the presenter.
- (33) “**QUORUM**” means the majority of the whole number of members required to constitute a Council or committee. The number of members present needed for Council to conduct business is four (4) members, except in the event of more than one conflict of interest.

- (34) “**RECORD**” means 'written' for the purpose of compiling minutes of a meeting.
- (35) “**RECORDED VOTE**” means a written record of the name and vote of every member on a motion on any matter or question conducted by the Clerk.
- (36) “**RULES OF PROCEDURE**” means the rules and regulations as set out in this by-law.
- (37) “**SPEAKER**” means members of the public who during the Delegations/Speakers/Petitions section of the agenda speaks or submits comment to Council on an item included in the Council portion of the agenda.
- (38) “**STAFF**” means employees of The Corporation of the Town of Georgina.
- (39) “**STAFF PRESENTATIONS**” means an address to Council by staff supported by a formal presentation method.
- (40) “**TOWN**” means The Corporation of the Town of Georgina.
- (41) “**TOWN PAGE**” means the advertisement containing Town related matters which is published weekly in the local newspaper.
- (42) “**TOWN WEBSITE**” means the Town of Georgina website at www.georgina.ca.

2. GENERAL PROVISIONS

(1) Rules and Regulations

- (a) The rules and regulations contained in this by-law shall be the rules and regulations for the order and dispatch of business in Council and its Committees provided that the rules and regulations contained herein may be suspended by a two-third (2/3) vote of the members present at the meeting. Council is prohibited from suspending any statutory requirement with respect to its proceedings.
- (b) All meetings of Council shall be open to the public unless the subject matter to be discussed relates to the closed session topics as stated in subsection 2(8) of this by-law.
- (c) The Clerk, or his/or her designate, shall be present at all meetings of Council.

- (d) Notwithstanding anything in this by-law, where Council convenes for the purpose of holding a hearing as required by any statute, the provisions of the statute and the *Statutory Powers Procedure Act, R.S.O. 1990, c. S.22*, as applicable, shall govern the proceedings.

(2) Interpretations

- (a) In the event of any uncertainty in the interpretation of any provision of this Procedural by-law, reference shall be made to Robert's Rules of Order as an interpretive aid in resolving such uncertainty.
- (b) In the event of conflict between the provisions of this Procedural by-law and relevant legislation, the provisions of the legislation shall prevail.

(3) Roles of Council and Head of Council

(a) Role of Council –

It is the role of Council,

- (i) To represent the public and to consider the well-being and interests of the municipality;
- (ii) To develop and evaluate the policies and programs of the municipality;
- (iii) To determine which services the municipality provides;
- (iv) To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- (v) To ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (vi) To maintain the financial integrity of the municipality;
- (vii) To carry out the duties of Council under this and any other Act.

(b) Role of the Head of Council

It is the role of the Head of Council,

- (i) To act as chief executive officer of the municipality;
- (ii) Preside over Council meetings so that its business can be carried

out efficiently and effectively;

(iii) To provide leadership to the Council;

(iv) Without limiting clause (iii), to provide information and recommendations to the Council with respect to the role of Council described in clauses 2(3)(a)(iv);

(v) To represent the municipality at official functions; and

(vi) To carry out the duties of the head of Council under this or any other Act.

(4) Presiding Officer

(a) The Mayor, or designate or appointed Chair shall sit as Presiding Officer at meetings of Council, committee or local board meetings.

(b) When the Office of the Mayor as Head of Council is vacant, or when the Mayor is unable to carry out his/her duties through illness or otherwise, or when the Mayor is absent from the office in the course of his/her duties, or on vacation or a Council approved leave, or

(c) When the Mayor refuses to act or declares a conflict of interest, the Deputy Mayor shall act in the absence of the Mayor and shall have all the powers and duties of the Mayor.

(d) The Regional Councillor shall be the Deputy Mayor.

(e) In the absence, refusal or inability of the Mayor or Deputy Mayor to act, then in accordance with the order set out in the Appointment of a Presiding Officer by-law, the respective Member of Council shall assume the position of Presiding Officer.

(f) If the Mayor/Presiding Officer does not attend within fifteen (15) minutes after the hour fixed for the meeting, the Deputy Mayor or, in his absence, the Presiding Officer calls the meeting to order and shall preside until the Mayor arrives.

(5) Duties of the Presiding Officer

(a) As soon as quorum is present, after the hour fixed for the holding of a Council meeting, the Mayor or Presiding Officer may call the meeting to order.

(b) It shall be the duty of the Mayor or Presiding Officer:

- (i) To preside at all meetings of the Council;
- (ii) To put to a vote all motions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result of the vote;
- (iii) To decline to put to vote motions which infringe the rules of procedure;
- (iv) To restrain the Members, within the rules of procedure, when engaged in debate;
- (v) To enforce on all occasions, the observance of order and decorum among the members and attendees/audience;
- (vi) To call by name any member persisting in breach of the rules of procedure, thereby ordering the member to vacate the council chamber;
- (vii) To decide all questions of order at the meeting, subject to an appeal by any member to Council on any question of order in respect to business before the Council;
- (viii) To execute, by his/her signature when necessary, all by-laws and minutes of a meeting and other required documents;
- (ix) To represent and support Council, declaring its will, and implicitly obeying its decisions in all matters; and
- (x) That regular Council meetings shall not exceed four (4) hours in duration and shall be adjourned forthwith unless otherwise determined by a majority of the members present.
- (xi) The Presiding Officer shall enforce the rules of procedure.

(6) Conduct of Members

- (a) No member shall:
 - (i) Speak without the permission of the Presiding Officer;
 - (ii) Use offensive words or unparliamentary language in or against the Council, any Member of Council, or any officer or employee of the Town or guest;
 - (iii) Speak on any subject other than the subject in debate;

- (iv) Criticize any decision of the Council except for the purpose of moving that a question be reconsidered or rescinded;
 - (v) Interrupt the member who has the floor, except to raise a point of order or point of privilege;
 - (vi) Disobey the rules of procedure or a decision of the Presiding Officer on questions of order or upon the interpretation of the rules of procedure; and where a member persists in any such disobedience after having been called to order by the Presiding Officer, the Presiding Officer shall introduce the motion without amendment, adjournment or debate being allowed, "that such member be ordered to leave his/her seat for the duration of the meeting of the Council", but if the member apologizes, he/she may be permitted to retake his/her seat;
 - (vii) Leave at any time without advising the Presiding Officer or the Clerk; and
 - (viii) Speak in a manner that is discriminatory in nature on an individual's vocation, race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, creed, sex, sexual orientation, age, marital status, family status or mental or physical disability.
- (b) Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.
- (c) No member shall speak more than once, except to give an explanation to the motion that may have been interpreted incorrectly or with leave of the Presiding Officer after all other members so desiring have spoken.

(7) Decorum

- (a) Attendees at a meeting shall maintain order and shall not display signs or placards, heckle, or engage in telephone or other conversations or any behaviour that may be considered disruptive.
- (b) All cell phones, personal digital assistant and electronic devices shall be set to silent mode during a meeting. Electronic communication devices shall be permitted at the council table for the purpose of accessing the agenda electronically; use of such electronic communication devices shall be at the discretion of each Council

member, but shall not be permitted for the exchange of e-mails, texting or any digital communication amongst members during the meeting.

(c) The Presiding Officer or Council may expel or exclude from any meeting any person for improper conduct at a meeting.

(i) The Presiding Officer, where a warning or ruling has not been heeded, may expel any member or person from the meeting place for improper conduct at the meeting, which for purposes of this section shall include:

- a. violation of the rules;
- b. interruption of the proceedings of Council;
- c. making of disruptive noise or visible gestures;
- d. campaigning for any political cause or outcome; or
- e. any other activity that impedes the conduct of the meeting.

(ii) Where the Presiding Officer expels any member or person from the meeting, such member or person shall vacate the meeting place forthwith.

(iii) Where the expulsion applies to a member, the member shall only address the Presiding Officer for the purpose of appealing the Presiding Officer's ruling of expulsion.

(iv) If no member appeals, the ruling of the Presiding Officer shall be final.

(v) If a member appeals the Presiding Officer's ruling on expulsion to Council, the member shall have the right to give reasons for the appeal, following which the Presiding Officer shall have the right to reply with reasons, and the Council shall decide the question: "That the decision of the Chair be sustained" without further debate, and the decision of Council shall be final.

(d) No person, except members of Council and staff of the Town, shall be allowed to approach the dais (platform) uninvited where the members of Council are seated or the table where Town staff is seated.

(e) Members of the public who wish to submit materials for Council must do so through the Clerk.

(i) The use of audio and video recording equipment in the council chambers by the public or the media will be permitted provided that it is not disruptive to the meeting. The location of the recording equipment will be at the discretion of the Clerk.

(ii) If, in the opinion of the Clerk, the use of such equipment or devices is deemed to be disruptive to the conduct of the meeting, the recording privileges will be withdrawn from any offending user. The ruling of the Clerk shall be final unless a member appeals the ruling to Council which shall then decide upon the question without debate. A majority vote of the members present shall be required.

(8) No Quorum

(a) If no quorum is present fifteen (15) minutes after the time appointed for a meeting, the Clerk shall record the names of the members present and the meeting shall not commence or proceed.

(b) In a meeting where there is only the minimum requirement for a quorum and a member declares a Conflict of Interest, the remaining members of Council are deemed to constitute a quorum, provided that this number is not fewer than two (2).

(c) If during the course of a meeting, the quorum is lost, then the meeting shall stand recessed and shall reconvene when a quorum is regained. In the event that the quorum is not regained within fifteen (15) minutes, then the Clerk shall record in the minutes the time when quorum was lost, note the names of those present and the meeting shall be ended without formal adjournment.

(d) If a meeting ends because the quorum is lost,

(i) The items on the agenda that were dealt with by Council including any recommendations therefrom, will be included in the minutes of the meeting;

(ii) The items on the agenda that were not dealt with or finally disposed of by Council shall be placed on the agenda for the next regular meeting or special meeting as the case may be.

(e) Each Member of Council is encouraged to notify the Clerk when the member is aware that he/she will be absent from any meeting.

(9) Late Arrival

(a) If a member arrives late at a meeting, any prior discussion shall not be reviewed without the unanimous consent of all members present.

(10) Disclosure of Pecuniary Interest and General Nature Thereof

- (a) 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:
 - (i) Shall, prior to any consideration of the matter at the meeting, orally disclose the interest and its general nature;
 - (ii) Shall not, at any time, attempt, either on his or her own behalf or while acting for, by or through another person, in any way whether before, during or after the meeting to influence the voting on any such question; and
 - (iii) Shall leave the room immediately prior to any consideration or discussion of the matter during a closed session.
- (b) Where the interest of a member has not been disclosed by reason of the member's absence from the meeting wherein the matter was discussed, the member shall disclose the interest at the first meeting attended by the member after the meeting referred to.

(11) Points of Order or Privilege

- (a) A member may interrupt the person who has the floor to raise a point of order when such member feels that there has been a deviation or departure from the rules of procedure. The ruling of the Presiding Officer shall be final unless a member appeals the ruling to Council which shall then decide upon the question without debate.
- (b) A member may raise at any time a point of privilege where such member feels that his/her integrity, the integrity of any other member, the integrity of the Council, or the integrity of staff has been impugned by another member, presenter, delegate or speaker. Upon hearing such point, the ruling of the Presiding Officer shall be final unless a member appeals the ruling to Council which shall then decide upon the question without debate.
- (c) Where the Presiding Officer recognizes that a breach of privilege has taken place, the Presiding Officer shall demand that the offending member, presenter, delegate or speaker apologize, and failing such apology shall require such person to vacate the council chambers for the duration of the meeting.

- (d) Any member may appeal the decision of the Presiding Officer to the Council which shall decide the question "that the decision of the Presiding Officer be sustained" without the debate upon a fifty percent vote of the members present.
- (e) When the Chief Administrative Officer considers that the integrity of a member of Town staff has been impugned or questioned, the Chief Administrative Officer may seek leave from the Presiding Officer to make a point of privilege to Council.

(12) Signing Authority

- (a) The Mayor, the Deputy Mayor and the Clerk or Deputy Clerk are hereby authorized to sign and seal all agreements and other municipal documents that have been approved by Council.

3. COUNCIL MEETINGS

(1) Inaugural Meeting

The first meeting of a newly elected Council after a regular election shall be held in the Council Chambers on the first Wednesday of December at 7:00 p.m.

(2) Regular Meetings

- (a) Unless otherwise provided by a resolution of the Council, the regular meeting of Council shall be held on:
 - the first Wednesday of each month at 9:00 a.m. (local time);
 - the second Wednesday of each month at 7:00 p.m. (local time);
 - The third Wednesday of each at 9:00 a.m. (local time).; and
 - The fourth Wednesday of each month at 7:00 p.m. (local time).
- (b) In December of each year, Council shall set the schedule of meetings for the following year. No meeting shall be held during the second and third weeks of the month of March, during the first week of September, during the last two weeks of the month of December and only one meeting per month will be held during the months of July and August unless otherwise specified by resolution of Council.

(3) Special Council Meeting

- (a) The Mayor may, at any time, summon a special Council meeting on 48 hours' notice to the members, or when so requested in writing by a majority of the members, the Clerk shall summon a Special Council meeting on 48 hours' notice to all members for the purpose and the time mentioned in the petition.
- (b) The only business to be dealt with at the special Council meeting is that which is listed in the notice of the meeting. Special meetings may be open or closed as provided in the *Municipal Act*.
- (c) Lack of receipt of the notice shall not affect the validity of the meeting or any action taken at that meeting.

(4) Emergency Meeting

Notwithstanding any other provision of this by-law, a special meeting may be held without 48 hours' notice, to deal with an emergency situation, provided that a reasonable attempt has been made to reach the members of Council by telephone and email at their respective residences and/or places of business. No business, except business dealing directly with the emergency situation, shall be transacted at that meeting.

(5) Public Meetings

- (a) When required, public meetings held to consider applications under the *Planning Act*, or to obtain public input for other purposes will be held at 7:30 p.m. as the second order of business at the Council meeting.
- (b) A public meeting may be called at an earlier or different date and time upon the approval by resolution of Council provided that adequate notice is given to the public of the impending change as directed by the Clerk or designate.
- (c) The Mayor or Presiding Officer shall explain the public meeting process for those in attendance and the statutory requirements under the *Planning Act* or other applicable legislation.
- (d) Delegates wishing to address Council at a public meeting under the *Planning Act* or a public meeting called for other purposes shall be permitted to speak without advance notice.
- (e) The time limitation for delegations at a public meeting to hear applications under the *Planning Act*, shall not exceed five (5) minutes. Council may extend, without debate, the five (5) minute time period by a majority vote of the Council members present.

- (f) Council may ask questions of staff after the staff presentation and prior to the delegates addressing Council.

(6) Postponement of Meeting

- (a) If it appears that inclement weather, or like occurrence, or an emergency situation will prevent the Members from attending a meeting, the Chief Administrative Officer or designate, in consultation with the Mayor may direct the Clerk to postpone that meeting by contacting as many members as he/she is able to reach. Information regarding the cancellation of the meeting shall be recorded on the Town's telephone system and posted on the Town website. Postponement shall not extend beyond the date of the next regularly scheduled meeting, unless extenuating circumstances continue preventing the holding of the next regular meeting.

(7) Location of Meetings

- (a) All meetings of Council shall be held at 26557 Civic Centre Road, Keswick, ON, Canada, L4P 3G1 Council Chambers or at any other place in the municipality or adjacent municipality, authorized by the Mayor in the case of a special meeting or by Council in the case of regular meetings.
- (b) Despite subsection a) above, a joint meeting of the Councils of two or more municipalities for the consideration of matters of common interest may be held within any one of those municipalities or in a municipality adjacent to any of them.
- (c) In the event of an emergency the Council may hold its meetings and keep its public offices at a convenient location within or outside the municipality.

(8) Recording of Meetings

- (a) Council meetings, which are not closed to the public in accordance with the provisions of Section 5 of this by-law, subject to Subsection 3(8) of this by-law may be digitally, televised or otherwise recorded.
- (b) Inability of recording of the meeting due to technical difficulties with recording equipment will not prohibit the meeting from commencing or continuing.

(9) Notice of Meetings

- (a) The Clerk shall provide notice to the public of all meetings of Council,

agendas, agenda items, cancellations and re-scheduling by:

(i) Posting the annual regular schedule of meetings once adopted by Council on the Town Page in the local newspaper and the Town's website at www.georgina.ca and distributing copies upon request.

(ii) Updating the annual regular schedule of meetings posted on the Town website within 24 hours of any changes made to the schedule; and

(iii) For special meetings, posting the agenda on the Town website not less than 24 hours in advance of the meeting.

(b) The form, manner and times when Notice will be provided to the public regarding specific by-laws and the holding of certain meetings are outlined in the Policy on Public Notice Requirements or any other applicable by-law.

(c) 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.

(10) Committees/Local Boards of Council

(a) The Office of the Clerk shall publicly advertise and recruit applicants for committees and local boards at the beginning and throughout (if vacancies arise) each term of Council. The Selection Committee will conduct the selection process of applicants and make confidential recommendations to Council for appointments. Council shall appoint, by by-law, members including Council representative(s) to committees and local boards at the beginning of each term of Council. Council may only alter appointments through a by-law.

(b) All committees and local boards shall include a minimum of one (1) Member of Council and a maximum of three unless otherwise approved by Council.

(c) All committees and local boards Terms of Reference, to govern the committee or local board, shall be drafted by staff and said Terms of Reference shall require Council's approval.

(d) All committees and local boards shall elect a Chair and Vice-Chair from its citizen appointees at the beginning of each calendar year throughout the term of office.

- (e) All Committees and Local Boards shall, through the Office of the Clerk, publicly advertise their meeting schedule and location on the Town's website.
- (f) All committees and local boards shall, through the Office of the Clerk, publicly advertise their agendas one week in advance of their meetings on the Town's website and provide them, upon request. Minutes of meetings shall be approved by committee and presented to Council, and also be posted on the Town website and provided, upon request, in an accessible format.
- (g) It shall be the duty of the committees and local boards to report to Council, on all matters connected with their mandate as outlined in their terms of reference and/or, on matters referred to them by Council and to recommend action(s), through a recommendation report to Council in a timely manner and as deemed necessary.
- (h) Where deemed necessary by the committee or local board or Council, sub-committees may be established to conduct research and report to the committee or local board. Sub-committee members are not necessarily required to be committee or local board members, but a committee or local board member shall Chair sub-committee meetings. Sub-committees must report in a timely fashion to the committee or local board.
- (i) Committees and local boards will be provided administrative and legislative support through the Office of the Clerk.
- (j) Committees and local boards are advisory bodies to Council, and do not have any decision-making authority outside of the scope of the responsibilities outlined in their Terms of Reference.
- (k) Council may establish an ad hoc committee and appoint its members by by-law to consider a specific matter.
- (l) Members of staff appointed to committees shall be non-voting members of the committee.
- (m) Agendas and meeting minutes of committees and boards should be formatted and created so that they appear substantially similar to those resulting from Council meetings.
- (n) Save for Business Improvement Boards of the Town, except for emergency or extenuating circumstances, all committees and boards shall hold and conduct meetings on Town property.

4. **AGENDA**

(1) **Order of Business**

(a) The Clerk shall prepare for distribution an agenda with the routine order of business for regular meetings of Council to be as follows:

1. CALL TO ORDER- MOMENT OF MEDITATION
2. ROLL CALL
3. COMMUNITY ANNOUNCEMENTS
4. INTRODUCTION OF ADDENDUM ITEMS
5. APPROVAL OF AGENDA
6. DECLARATIONS OF PECUNIARY INTEREST AND GENERAL NATURE THEROF
7. ADOPTION OF MINUTES
8. SPEAKERS
9. DELEGATIONS/PETITIONS
10. PRESENTATIONS
11. PUBLIC MEETINGS

IF MORE THAN ONE PUBLIC MEETING IS SCHEDULED FOR THE SAME TIME, THEY WILL BE DEALT WITH IN THE ORDER THAT THEY APPEAR ON THE AGENDA OR AS COUNCIL MAY DETERMINE.

- (1) STATUTORY MEETINGS UNDER THE PLANNING ACT OR MEETINGS PERTAINING TO THE CONTINUATION OF PLANNING MATTERS
- (2) STATUTORY MEETING(S) UNDER OTHER LEGISLATION
- (3) OTHER PUBLIC MEETINGS

12. REPORTS

- (1) ADOPTION OF REPORTS NOT REQUIRING SEPARATE

DISCUSSION

(2) REPORTS REQUIRING SEPARATE DISCUSSION

13. DISPOSTIONS/PROCLAMATIONS, GENERAL INFORMATION ITEMS AND COMMITTEE OF ADJUSTMENT

(1) Dispositions/Proclamations

(2) General Information Items

(3) Committee of Adjustment Planning Matters

(A) Under Review

(B) Recommendations

(C) Decisions

14. MOTIONS/NOTICES OF MOTION

15. REGIONAL BUSINESS

16. OTHER BUSINESS

17. BY-LAWS

18. CLOSED SESSION

(1) Motion to move into closed session of Council

(2) Motion to reconvene into open session of Council and report on matters discussed in closed session.

19. CONFIRMING BY-LAW

20. MOTION TO ADJOURN

(2) Changes in Order of Business

(a) All business shall be considered in the order in which it appears on the agenda unless otherwise decided by the Presiding Officer.

(3) Addendum Items

(a) Addendum items will only be permitted on the agenda pertaining to matters of the utmost importance and if sanctioned by the Chief Administrative Officer (CAO). Approval of addendums presented at Council are at the discretion of Council with a majority vote.

- (b) Addendum items will be introduced by the Presiding Officer or Clerk at the beginning of the meeting. Whenever possible addendums will be posted to the website and Civic Centre bulletin boards prior to the meeting.

(4) Delegations and Petitions

For the purposes of this by-law Delegations and Speakers Regarding Items on the Agenda are separated for distinction (see 4 & 5)

(a) Delegations

(i) Anyone wishing to appear before Council as a delegation shall advise the Clerk by 10:00 a.m. on the Monday ten (10) days prior to the Wednesday meeting. A delegation will only be included on the agenda when the Clerk is in receipt of a completed registration form which shall include the nature of the matter to be addressed and contact information for the delegate. In accordance with accountability and transparency, no delegation shall be permitted to address Council except those individuals that have submitted a registration form within the prescribed time and are listed as delegations on the agenda.

(ii) The Clerk shall give due consideration to the length of the agenda and the number of delegations and shall recommend to the requester the earliest possible date when their delegation may be accommodated. A maximum of three (3) delegations shall be allowed to address Council per meeting.

(iii) If the Clerk receives four (4) or more requests to appear as a Delegation regarding the same issue at the same meeting, Council shall be informed and may schedule a special meeting to address the matter.

(iv) No person other than the designated spokesperson may speak on the matter and for not more than a total of five (5) minutes. A five (5) minute extension may be decided, without debate, by a majority vote of the Council Members present at the Council meeting. A delegation consisting of more than three (3) or more persons who are present at the meeting may have more than one (1) speaker provided that the total speaking time does not exceed ten (10) minutes in total.

(v) All delegations on an issue shall be heard before questions are asked of staff or discussion takes place among Council.

(vi) Once discussion in respect of a motion or resolution has commenced, no further presentation shall be made by a delegation or by any person other than a member, except at the discretion of

the Presiding Officer.

a. Council shall receive, by resolution, the delegation and any documentation. Where there is no accompanying staff report, the matter may be referred to a future Council meeting and a report requested for that meeting.

b. Notwithstanding the immediate previous subsection of this by-law, no delegation shall be permitted when the subject matter to be addressed relates to a recommendation of any tribunal that has conducted a hearing under the *Statutory Powers Procedures Act*, 1990, c S.22.

(vii) Delegations shall not:

a. Speak more than once on an item;

b. Speak disrespectfully of any person;

c. Use offensive words;

d. Speak on any subject other than the subject for which they received approval to address Council;

e. Disobey a decision of the Presiding Officer;

f. Enter into cross debate with other delegations or presenters, Town staff, members or the Presiding Officer.

(viii) Upon the completion of a delegation to Council, any discourse between members and the delegation shall be limited to members asking questions for clarification and obtaining additional relevant information only. Members shall not enter into debate with the delegation. Once a motion has been moved and seconded, no further presentation or questions of the delegation shall be permitted.

(b) Petitions

(i) All petitions presented to Council shall be filed with the Clerk. Every petition intended for presentation to Council shall be legible and shall not contain any defamatory allegations, or impertinent or improper matter, and shall be signed by at least one person giving his/her name and mailing address.

(ii) Any person wishing to present a petition shall submit a copy of the material to the Clerk no later than 10:00 a.m. on the Monday ten (10)

days prior to the Wednesday meeting. Any petition submitted after 10:00 a.m. on Monday will be accepted where it relates to a matter on the agenda, but may not be circulated to Members until after the meeting.

- (iii) If, in the Chief Administrative Officers opinion, the petition is of a time sensitive nature, the Chief Administrative Officer may bring forward such petition for Council consideration, after the aforementioned deadline.
- (iv) Petitions designed to be presented to the Council and filed with the Clerk shall become part of the public record and shall contain:
 - a. The text regarding the petition must appear at the top of every signature sheet.
 - b. Each person petitioning must print his or her name and address and telephone numbers on the petition.
 - c. A petition must contain original signatures only, written directly on the face of the petition and not pasted or transferred to it.
 - d. Petitions must be free of erasures or insertions.
 - e. The petitioners must be a resident of Georgina and/or the specific geographic area pertaining to the petition.
 - f. It is acceptable for petitioners to be under the age of majority.
- (v) Council may receive petitions and, if required, refer to staff for staff report.

(5) Speakers Regarding Items on the Agenda

- (a) In addition to the requirements noted in subsection 4(4)(a) of this By-law, a member of the public wishing to speak in respect to a matter on the Council portion of the agenda shall submit a request to speak form (available at the meeting). The speaker shall then be provided with an opportunity to speak to the matter under Delegations / Speakers / Petitions. If the speaker does not wish to wait to observe Council's discussion on the matter, the Clerk's Division, upon request, shall advise the speaker of the outcome of the discussion.
- (b) Speakers shall be permitted to speak on a matter only once and may speak for no more than five (5) minutes. A five (5) minute extension to speak may be decided, without debate, by a majority vote of the

Council Members present at the council meeting. Where there are numerous speakers taking the same position on a matter, they are encouraged to select a spokesperson to present their views. Speakers are also encouraged to not repeat information presented by an earlier speaker.

- (c) Speakers shall be encouraged to submit any questions they may have, for Council or speaker notes, to the Clerk, in writing, prior to the meeting.
- (d) Members shall be permitted to ask questions or seek clarification from the speaker but shall not make statements to or enter into debate with the speaker.
- (e) Questions of staff by any speaker shall be received by the Presiding Officer and addressed when practical prior to the consideration of the matter.

(6) Presentations

(a) Public Presentations

(i) Anyone wishing to appear before Council with a presentation shall advise the Clerk by 10:00 a.m. on the Monday ten (10) days prior to the Wednesday meeting. A presentation will only be included on the agenda when the Clerk is in receipt of a completed request which shall include the nature of the matter to be addressed and contact information for the presenter. In accordance with accountability and transparency, no presentation shall be permitted before Council except those individuals that have submitted a written request within the prescribed time and are listed as presentations on the agenda.

(ii) All public presentations appearing before Committee shall be heard at the beginning of the regular meeting as it appears in the order of business on the agenda and shall be permitted to speak only once on an item. Once the business of the Council has commenced, no further presentation shall be made by the presenter or by any person other than a member, except at the discretion of the Presiding Officer.

(iii) The time limit for a public presentation shall be ten (10) minutes and may be extended at the discretion of the Presiding Officer with a majority vote of members present at the time of the presentation.

(iv) Where there is no accompanying staff report relating to a

public presentation, the matter shall be referred to a future meeting of the Council and a staff report requested for that meeting.

(v) Rebuttal or cross debate with other presenters shall not be permitted.

(vi) Presenters shall not:

a. Speak disrespectfully of any person;

b. Use offensive words;

c. Speak on any subject other than the subject for which they received approval to address Council;

d. Disobey a decision of the Presiding Officer;

e. Enter into cross debate with other delegations or presenters, Town staff, Members or the Presiding Officer.

(vii) Upon the completion of a presentation to Council, any discourse between members and the presenters shall be limited to members asking questions for clarification and obtaining additional relevant information only. Members shall not enter into debate with the presenters. Once a motion has been moved and seconded, no further presentation or questions of the presenters shall be permitted.

(b) Invited Presentations

(i) Presentations invited by the Town or Council; such as, consultants, other level of governments or agencies, etc. shall be given a ten (10) minute time limit and may be extended at the discretion of the Presiding Officer with a majority vote of members present at the time of the presentation.

(ii) All invited presentations appearing before Committee shall be heard at the time of the accompanying staff report, if applicable, otherwise shall be heard at the beginning of the regular meeting as it appears in the order of business on the agenda.

(iii) Rebuttal or cross debate with other presenters shall not be permitted.

(iv) Presenters shall not:

a. Speak disrespectfully of any person;

- b. Use offensive words;
- c. Speak on any subject other than the subject for which they received approval to address Council;
- d. Disobey a decision of the Presiding Officer;
- e. Enter into cross debate with other delegations or presenters, Town staff, members or the Presiding Officer.

(v) Upon the completion of a presentation to Council, any discourse between members and the presenters shall be limited to members asking questions for clarification and obtaining additional relevant information only. Members shall not enter into debate with the presenters. Once a motion has been moved and seconded, no further presentation or questions of the presenters shall be permitted.

(c) Staff Presentations

- (i) Staff presentations, if related to a report on the agenda shall occur at the time the report is discussed. Time limits, if deemed necessary, may be established at the discretion of the Presiding Officer.
- (ii) Rebuttal or cross debate with other presenters shall not be permitted.

(iii) Presenters shall not:

- a. Speak disrespectfully of any person;
- b. Use offensive words;
- c. Speak on any subject other than the subject for which they received approval to address Council;
- d. Disobey a decision of the Presiding Officer;
- e. Enter into cross debate with other delegations or presenters, Town staff, members or the Presiding Officer.
- f.

(7) Communications and Proclamations

(a) Communications

(i) All written communications presented to Council shall be filed with the Clerk. Every communication intended for presentation to Council shall be legible and shall not contain any defamatory allegations, or impertinent or improper matter, and shall be signed by at least one person giving his/her name and mailing address.

(ii) Any person wishing to present material either in hard copy or electronically shall submit a copy of the material to the Clerk no later than 10:00 a.m. on the Monday ten (10) days prior to the Wednesday meeting. Any material submitted after 10:00 a.m. on Monday will be accepted where it relates to a matter on the agenda, but may not be circulated to Members until after the meeting.

(iii) Submissions received or matters arising later than 10:00 a.m. on Monday ten (10) days prior to the Wednesday meeting will be treated as an addendum item and will only be permitted in the event of matters of the utmost importance and if sanctioned by the Chief Administrative Officer (CAO).

(iv) Approval of addendums presented at Council are at the discretion of Council with a majority vote.

(b) Proclamations:

(i) Council recognizes the symbolic gesture of endorsing special days, weeks or months in support of various community groups and their causes.

(ii) Requests for proclamations shall be processed by the Clerk or designate.

(iii) The Clerk shall review the request and make any appropriate amendments to the proclamation, which in the Clerk's view improves the structure and/or intent of the requested proclamation. The Clerk shall present the proclamation to the Mayor for signature. Once the proclamation has been signed, the proclamation shall be noted on the communication for disposition/proclamations portion of the agenda

(iv) Each organization shall be responsible for disseminating the proclamation to the media and making arrangements for the attendance of the Mayor and/or Councillors at the specific function or event, if any, at which the proclamation is to be made.

(8) Outside Resolutions

(a) Copies of outside resolutions will be circulated to all Members of Council, the Chief Administrative Officer and the appropriate

department heads through the general information items.

- (b) Any outside resolution contained in Item 13(2) General Information Items may be moved to Item 13(1) Disposition / Proclamations at the request of a Member of Council or Chief Administrative Officer.

(9) By-laws

- (a) All by-laws shall be read and enacted in a single motion, unless a Member wishes to discuss the contents of a by-law, at which time the subject by-law shall be removed from the motion and dealt with in a separate single motion. The headnote only of the by-law shall be read.
- (b) All amendments to any by-law 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 applied to the by-law by the Clerk.
- (c) Every by-law which is passed by Council shall be sealed with the seal of the Corporation, signed by the Mayor or Deputy Mayor and by the Clerk, and shall be deposited with the Clerk for custody.
- (d) The proceedings at every regular and special meeting shall be confirmed by by-law so that every decision of the Council and every resolution passed at that meeting 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.

5. COUNCIL IN CLOSED SESSION

(1) Council Closed Session Procedure

- (a) The rules governing the procedure of the Council and the conduct of members shall be observed for Council in closed session so far as they are applicable.

(2) Type of Business

- (a) A meeting may be held in closed session only when the subject matter to be discussed relates to one or more of the following:
 - (i) The security of the property of the municipality or local board;
 - (ii) Personal matters about an identifiable individual, including municipal or local board employees;

- (iii) A proposed or pending acquisition or disposition of land by the municipality or local board;
- (iv) Labour relations or employee negotiations;
- (v) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (vi) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (vii) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- (viii) A meeting of a Council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
 - a. The meeting is held for the purpose of educating or training the members.
 - b. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council, local board or committee.
- (b) A meeting shall be closed to the public if the subject matter being considered is an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman appointed by the Town or a closed meeting investigator.

(3) Resolution to Meet in Closed Session

- (a) Before holding a meeting or part of a meeting in closed session, Council shall state by resolution,
 - (i) The fact of the holding of the closed session; and
 - (ii) The general nature of the matter to be considered at the closed session.
- (b) Should Council, during an open meeting session, wish to meet in closed session, the open meeting of Council may, following the passage of the resolution referred to immediately above, convene into the closed session.

(4) Voting In Closed Session

- (a) In accordance with section 239(6) of the *t v*, no vote in closed session shall be taken unless,
 - (i) The subject matter is permitted as per subsection 5(2) of this by-law; and
 - (ii) The vote is for a procedural matter (i.e. adopt minutes, to recess, adjourn, adopt closed session minutes) or for giving directions or instructions to officers, employees or agents of the Town or Council appointed board, committee or persons retained by or under contract with the Town or Council appointed board or committee.

(5) Confidentiality

- (a) Members shall ensure that confidential matters disclosed to them and materials provided to them during closed session are kept confidential. Members are to return confidential material to the Clerk.

6. AGENDAS AND MINUTES

(1) Preparation and Distribution of Agenda

- (a) Prior to each meeting, the Clerk (or his/her designate), with the assistance of the department heads and approval by the Chief Administrative Officer, shall prepare an agenda of all the business to be brought before such meeting.
- (b) In the case of a special Council meeting, the agenda shall be distributed to Members of Council and posted to the Town website at least 48 hours before the meeting.
- (c) In the case of a regular Council meeting or a public meeting, the agenda shall be distributed to Members of Council at least seven (7) days before the day of the meeting and made available to the public at least six (6) days before the day of the meeting.
- (d) That insofar as is practicable, Council and committee agendas, along with supporting material, shall be prepared and made available to members by noon on the Wednesday prior to the following Wednesday meeting; seven (7) days prior to the meeting. Insofar as is practical, agendas shall be made available to the public via the Town and by request through the Clerk's Division by noon on the Thursday for the following Wednesday meeting; six (6) days prior to the meeting.

- (e) Insofar as is practicable on a holiday Monday weekend, Council and Committee agendas, along with supporting material, shall be prepared and made available to members by close of business at 4:30 p.m. on the Wednesday prior to the following Wednesday meeting or seven (7) days prior to the meeting. Insofar as is practical, agendas will be made available to the public via the Town's website and by request through the Clerk's Division by close of business at 4:30 p.m. on the following day (Thursday) prior to the meeting.

(2) Minutes

- (a) It shall be the duty of the Clerk to record, or cause to be recorded, the proceedings of Council in the form of minutes that shall contain the following:
 - (i) The beginning and ending time of meetings;
 - (ii) The names of the members present. Should a member enter after the commencement of a meeting or leave prior to adjournment, the time shall be noted;
 - (iii) Names of staff present;
 - (iv) Disclosures of pecuniary interest and the general nature thereof;
 - (v) A record of each item before Council for consideration;
 - (vi) Decisions of Council on each item;
 - (vii) Names of delegations appearing before Council and brief one line summary of request.
- (b) The minutes shall record all other proceedings of the meeting without note or comment.

(3) Administrative Authority of Clerk

- (a) The Clerk shall be authorized to make minor corrections to any by-law, minutes or other Council document to eliminate technical or typographical errors prior to the documents being signed.

(4) Adoption of Minutes

- (a) Upon calling to order of a regular meeting and following the order of business, the Presiding Officer shall ask for approval of the minutes of the previous meeting(s) and shall forthwith, or immediately after

any correction or change, declare the minutes adopted and sign them.

7. MOTIONS

(1) General Rules

- (a) Every motion, when duly moved and seconded, shall be open for discussion. A seconder is required in order to introduce the motion for discussion purposes. The seconding of a motion does not imply that the seconder supports the motion put forward. Debate shall not be allowed on any motion or amendment until it has been properly seconded. The Presiding Officer may not move or second any motion. The Presiding Officer 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.
- (b) Any member may request the Presiding Officer to put the motion to a vote.

(2) Motion under Debate

- (a) When a motion is under consideration, no other motion shall be made, except for the following purposes:
 - (i) Raise a point of order;
 - (ii) Raise a point of privilege;
 - (iii) To refer the motion under consideration to staff for a report;
 - (iv) To defer the motion under consideration to a definite date (to postpone definitely);
 - (v) To defer the motion under consideration indefinitely (to postpone indefinitely);
 - (vi) To table the motion under consideration;
 - (vii) To amend the motion under consideration;
 - (viii) Motion to put the question (to end debate);
 - (ix) To extend the hour of automatic adjournment;
 - (x) To recess;

(xi) To adjourn.

(b) Any Member may require a motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.

(3) Adoption in a Single Motion

(a) One or more report items on an agenda may be adopted in a single motion.

(b) At a Council meeting any member or anyone present at the meeting may request that an item be discussed and that item shall not be included in the motion to adopt Council items not requiring separate discussion.

(4) Motion Containing Two or More Matters

(a) When the motion under consideration concerns two or more matters, the Presiding Officer, upon the request of any member, may direct that the vote upon each matter may be taken separately.

(5) Motion to Amend

(a) A motion to amend:

(i) shall be relevant to the main motion;

(ii) shall not be directly contrary to or propose a direct negative to the main motion;

(iii) shall be debatable; and

(iv) shall not itself be amended more than once.

(b) Motions to amend shall be put to a vote in reverse order from which motions to amend are put forward, and should the motion to amend be carried, the main motion shall then be considered by Council as amended.

(c) Notwithstanding the foregoing, a motion to amend shall not be required where the mover and seconder of the main motion agree to re-word the main motion to accommodate a proposed amendment and no Member of Council objects. While a motion to amend normally applies to main motions, it may also be applied to other motions that can be varied.

- (d) After the motion to amend has been voted on, the main motion (as amended) shall, if no other amendment or subsidiary motion is proposed, be put to a vote.
- (e) If the original mover and seconder of the main motion do not agree with the amendments, they may, without further discussion, withdraw the main motion.

(6) Motion to Refer

- (a) A motion to refer a matter under consideration to staff:
 - (i) Shall be open to debate and may be amended;
 - (ii) Shall include the terms on which the matter is being referred and the time at which it is to be returned;
 - (iii) Shall include the reasons for the referral.

(7) Motion to Defer

- (a) A motion to defer a matter to a certain time or date:
 - (i) Shall be open to debate as to the advisability of its deferral;
 - (ii) May be amended as to the time or date to which the matter is deferred.

(8) Motion to Table

- (a) A motion to table a matter
 - (i) Shall not be amended or debated;
 - (ii) Shall apply only to the main motion and any adhering options to the main motion.
- (b) A tabled motion that has not been decided by Council either in the affirmative or in the negative during the term of the Council in which the motion was introduced shall be deemed to have been withdrawn.

(9) Motion to Recess

- (a) A motion to recess when other business is before the meeting:
 - (i) Shall specify the length of time of the recess;

- (ii) Shall not be debatable;
- (iii) Shall only be amendable with respect to the length of the recess.

(10) Withdrawal of Motion

- (a) A request to withdraw a motion:
 - (i) May only be made by the mover of the motion and not by the seconder or any other member;
 - (ii) Shall have the consent of the seconder of the motion; and
 - (iii) Shall be in order at any time during debate.

(11) Reconsideration of a Motion

- (a) After a resolution/by-law that determines the final outcome of a main motion has been enacted, Council may not reconsider or rescind such resolution/by-law for a period of six (6) months, except in accordance with these provisions.
- (b) Any member from the prevailing side or a member who was absent from the meeting when the matter was considered may give notice of a motion to reconsider a resolution/by-law.
- (c) Such notice may only be given during the Notice of Motion section of a meeting and may relate to a resolution/by-law enacted during that meeting or at a prior meeting.
- (d) If the motion is seconded, Council may only enact such a motion by a two-thirds vote of the members present.
- (e) Where it is determined that a resolution/by-law shall be reconsidered, no further action shall be taken to carry into effect the affected resolution/by-law until after the motion to reconsider has been disposed of, either at the next regular meeting or at a special meeting called to consider the motion to reconsider.
- (f) No discussion of the affected resolution/by-law shall be allowed at a Council meeting where notice to reconsider is given, until Council has voted to reconsider the same, but the Member giving such notice shall have the privilege of stating the reasons for doing so.
- (g) When the affected resolution/by-law is reconsidered, either at the next regular meeting or at a special meeting, it shall be declared lost, unless passed by the majority of the members present.

- (h) Once a resolution/by-law has been the subject of a motion to reconsider duly seconded and voted on, such resolution/by-law may not again be reconsidered until six (6) months after its original enactment and no resolution to reconsider may itself be the subject of a motion to reconsider.

(12) Notice of Motion

- (a) A notice of motion shall be in writing and shall be delivered to the Clerk, who shall read the notice into the record at the first regularly scheduled Council meeting following the delivery of notice. No seconder is required, and the motion is not debatable at that time.
- (b) The notice of motion shall be dealt with at the next regularly scheduled Council meeting. The Chief Administrative Officer may deem it appropriate for staff to prepare a report in relation to the notice of motion which report will appear on the agenda in conjunction with the notice of motion.

(13) Suspension or Waiving of Rules

- (a) A motion to suspend the rules of procedure required by this by-law shall not be debatable or amendable and shall require a two-third (2/3) vote of the members present at the Council meeting.

8. VOTING

(1) Voting on Motions

- (a) After a motion is finally put to vote by the Presiding Officer, no member shall speak to the motion or shall any other motion be made until after the vote is taken and the result declared. Each member present and voting shall announce or indicate his/her vote upon the motion openly and individually and no vote shall be taken by ballot or any other method of secret voting.

(2) Member Disagrees with Announcement of Vote

- (a) If a member who has voted on a motion disagrees with the declaration of the Presiding Officer that the question is carried or lost, the member may, but only immediately after the declaration by the Presiding Officer, object to the Presiding Officer's declaration and require the Presiding Officer to call for another vote on the matter.

(3) Member Who Does Not Vote

- (a) If a member present abstains from voting, he/she will be deemed to have voted in the negative unless the member's reason for abstaining is due to his/her declaration of a pecuniary interest. When a member abstains from voting as a result of a declaration of a pecuniary interest, his/her abstention shall be deemed to be neither an affirmative nor a negative vote and shall not be considered in determining the result of the vote.

(4) Tie Vote

- (a) Any motion on which there is a tie vote shall be deemed to be lost except where the *Municipal Act* expressly provides otherwise.

(5) Recorded Vote

- (a) Recorded votes shall only be taken at Council meetings.
- (b) When a member requests, immediately prior to the taking of the vote, that the vote be recorded, the Clerk shall, with the exception of members who have declared a pecuniary interest, call all members present at the meeting to vote. When a recorded vote is requested by a Member, or is otherwise required, the Clerk shall call the vote in random order following the name of the Member who requested the recorded vote. The Clerk shall record the name and vote of every Member on the question. If a member at a Council meeting, where a motion is put to a vote and a recorded vote is taken, does not vote, he/she will be deemed to have voted in the negative unless the member's reason for abstaining is due to his/her declaration of a pecuniary interest, in which case his/her abstention shall be deemed to be neither a negative nor an affirmative vote. The Clerk shall announce the total number of votes for and against and the Presiding Officer shall announce the results.

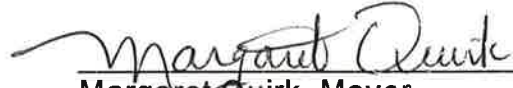
9. ADMINISTRATION

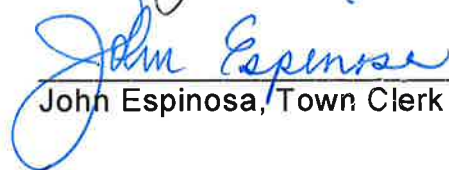
- (1) By-law No. 2015-0089 (COU-2) is hereby repealed in its entirety.

Town of Georgina Procedural By-law No. 2016-0014 (COU-2)

(2) This By-law is administered by the Town Clerk.

READ and enacted this 2nd day of March, 2016.


Margaret Quirk, Mayor


John Espinosa, Town Clerk

Legislative History:

| | |
|------------------|---|
| Oct 15, 2002 | Council adopted By-law 2002-0134 |
| Feb 9, 2004 | Council adopted By-law 2004-0016, amending By-law 2002-0134 |
| Dec 11, 2006 | Council adopted By-law 2006-0141 |
| Mar 5, 2007 | Council adopted By-law 2007-0017 |
| June 17, 2013 | Council adopted Resolution C-2013-0275 and CW-2013-0164 (Report DAS-2013-0025) |
| Aug 26, 2013 | Council adopted Resolution C-2013-0343 and CW-2013-0192 (Report DAS-2013-0041) |
| Sept 16, 2013 | Council adopted SC-2013-0355 (Report CAO-2013-0014); Pilot Project (Oct 30, 2013 to April 30, 2014) |
| Oct 7, 2013 | Council adopted Resolution C-2013-0382 and CW-2013-0212 (Report DAS-2013-0044) |
| Oct 15, 2013 | Council adopted By-law 2013-0133 |
| Oct 30, 2013 | Council adopted Resolution C-2013-0475 (Report DAS-2013-0049) |
| Jan 8, 2014 | Council adopted Resolution C-2014-0003 (Report DAS-2014-0003) |
| May 7, 2014 | Council adopted Resolution -2014-0284 (Report DAS-2014-0020); Resolution C-2014-0285 (Report DAS-2014-0021) |
| Sept 9, 2014 | Council adopted Resolution C-2014-0526 (Report DAS-2014-0039) |
| Sept 10, 2014 | Council adopted By-law 2014-0123 |
| June 10, 2015 | Council adopted Resolution (Report DAS-2015-0033); by-law 2015-0089 |
| February 3, 2016 | Council adopted Resolution C-2016-0051 (Report No. DAS-2016-0003); by-law 2016-0014 |