

The Corporation of the Municipality of Brockton



By-Law 2018-004

Being a By-Law To Govern The Calling, Place And Proceedings Of The Meetings
Of The Council Of The Corporation Of The Municipality Of Brockton And The
Committees Thereof.

Whereas pursuant to Subsection 238 (2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

And Whereas pursuant to Subsection 238 (2.1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the procedure by-law shall provide for public notice of meetings;

And Whereas the Council of the Corporation of the Municipality of Brockton deems it advisable to enact a new by-law to govern the proceedings of council, the conduct of its members and the calling of meetings and to provide for procedures and statutory requirements in accordance with the Act;

Now Therefore the Council of the Corporation of the Municipality of Brockton enacts as follows:

**Rules of Order and Procedures for the Council
of the Corporation of the Municipality of Brockton**

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1. Definitions

For the purpose of this by-law the following words shall have the meaning given herein:

- 1.1 “Ad Hoc Committee” means a Committee appointed to review and report on a specific issue; once the report is delivered, the Ad Hoc Committee is automatically dissolved.
- 1.2 “Advisory Committee” means a committee appointed to review and report on an area of ongoing interest to the Municipality and that continues to do so on an indefinite basis and further, with the exception of Committee of Adjustment, shall act in an advisory capacity only and minutes of the committees shall be forwarded to Council as “Committee Reports” at the next regularly scheduled meeting for consideration and adoption
- 1.3 “Calendar Year” means the period from January 1st of any one year to and including December 31st of the same year;
- 1.4 “Chair” means the Mayor or Chairperson of the meeting;
- 1.5 “Clerk” means the Clerk of the Corporation of the Municipality of Brockton;
- 1.6 “Closed Meeting” means a meeting or part of a meeting closed to the public.
- 1.7 “Committee of the Whole” means all members of the Council present at a meeting sitting in Committee;
- 1.8 “Committee” means such committee or committees which may be appointed by Council from time to time in accordance with this by law.
- 1.9 “Committee of Council” means a Committee comprised of at least four members of Council; the chair being a council member and three other council members. The Mayor may sit on any committee and have the same rights as any other committee member.
- 1.10 “Confirmation By-Law” is a By-Law enacted at the end of each Council Meeting to confirm each recommendation contained in any Report of an Advisory or Advisory Committee of Council, and in respect of each motion, resolution and other actions passed and taken by the Council at the meeting, except where the prior approval of the Ontario Municipal Board or any other body or agency is required.
- 1.11 “Council” means the Council of the Corporation of the Municipality of Brockton;
- 1.12 “Head of Council” means the Mayor of the Corporation of the Municipality of Brockton;
- 1.13 “Holiday” means any holiday as defined in the Interpretation Act, R.S.O. 1990, Chapter I-11, Boxing Day and Civic Holiday;
- 1.14 “Local Board” means a local board or committee as defined in the Municipal Affairs Act, except municipal police services boards, library boards and school boards;
- 1.15 Meeting – shall mean any regular, special or other meeting of a council of a local board or of a committee of either of them, where,
 - a) A quorum of members is present
 - b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of the council, local board or committee
- 1.16 “Member” means a member of the Council or of a Committee of Council and includes the Head or Council or Chairperson;
- 1.17 “Motion” means a question to be considered by the Council or a Committee which is moved, seconded, and presented, read and is subject to debate. When a motion is carried, it becomes a Resolution
- 1.18 “Quorum” means the majority of the total membership of Council or of a Committee;

- 1.19 "Recorded Vote" means where a vote is taken for any purpose and a member of Council requests immediately prior to or immediately subsequent to the taking of the vote, that the vote be recorded, each member present except a member who is disqualified from voting by any Act, shall announce his/her vote openly and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the Clerk shall record each vote.

2. General Provisions

2.1 Rules – To Be Observed

The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in the Council and in the Committees thereof.

2.2 Rules Suspended – 2/3 Consent

Any rules of procedures contained in this By-law may be suspended with the consent of two-thirds of the Council/Committee present, unless prohibited by law.

2.3 Presiding Person Absent – Appoint Chair

If the person who ought to preside at any meeting of the Council does not attend within fifteen minutes after the hour appointed, the Clerk will call the session to order and the members present may appoint a Presiding Officer from among themselves who has the same authority as the absent person would have had it present.

2.4 Absence of Mayor

In the event that the Mayor is absent, the Deputy Mayor shall preside as Acting Mayor and during such times shall be addressed as "Chairperson". In the case of the absence of both the Head of Council and the Deputy-Mayor from the municipality, or if both are absent through illness, or otherwise, a member of Council shall be appointed by the head of Council or by a vote of Council to act from time to time in the place and stead of the Head of Council and he/she shall have all the rights, powers, and authority of the Head of Council while so doing.

Any member so appointed or voted to act shall also be called "Chairperson" during the course of those proceedings.

2.5 Absenteeism and Leave Of Absence

2.5.1 All members will endeavor to provide substantive notice of such absence to the Presiding Officer or Clerk at least 48 hour prior to the commencement of the meeting from which the member shall be absent.

2.5.2 Where a member is absent from the meetings of Council for three successive meetings, the absence must be authorized by a Resolution of Council; and further if the member is absent for more than three consecutive meetings the member will not receive any further remuneration until they return to active status as authorized by Council.

2.5.3 Where a member is absent from the meetings of Council for three successive months without being authorized to do so by a Resolution of Council, the office of that member seat shall be declared to become vacant in accordance with the provisions of Section 259 (1) and in accordance with Exceptions (1.1) (2) (3) and procedures as set out in Section 263 of the Municipal Act, 2001 shall apply.

2.5.4 If a member desires to leave a meeting of Council prior to adjournment, and not return thereto, he/she shall so advise the Mayor at the beginning of the Meeting and the time of his/her departure shall be recorded in the Minutes.

2.6 Lack of Quorum

2.6.1 A majority of the whole number of members required to constitute the Council shall be necessary to form a quorum pursuant to subsection 237 (1) of The Municipal Act, 2001.

2.6.2 If the number of members, who by reason of the Municipal Conflict of Interest Act are ineligible to vote is such that there is no quorum, despite any other Act, any number that is not less than one-third of the total number of members of the Council, Committee or Board shall be deemed to constitute a quorum, but the number shall not be less than two.

2.6.3 Unless a quorum is present within fifteen (15) minutes after the time appointed for the meeting of the Council, the Clerk shall record the names of the members present and the Council shall stand adjourned either until a special meeting is called to deal with the matters intended to be dealt with at the adjourned meeting, or until the convening of the next regular scheduled meeting of the Council.

2.7 Organizational Chart

The municipality shall have in place an organizational chart which will depict the structure of the Corporation indicating the various committees and their relationship to Council. This chart shall be updated from time to time as changes in the committee structure occur.

2.8 Parliamentary Procedure – Proceedings

All points of Order of Procedure not provided for in these Rules shall be decided in accordance with Robert's Rules of Order, 10th Edition (REVISED) and the Mayor shall submit the ruling without debate.

2.9 Taping or Recording of Meetings

2.9.1 Council or Committee meetings, not held in closed, may be taped, televised or otherwise electronically or mechanically recorded by a cable television company, by another licensed telecommunications company or by any other media at the back of the Council Chambers or meeting room and in such a manner as not to interfere with the proceedings of the meeting with advance notification to the Clerk, Head of Council or Chair of the Committee as the case may be.

2.9.2 Members of the public will be permitted to make recordings of proceedings provided that the action of recording does not interfere with the conduct of the meeting with advance notification to the Clerk or Chair of the Committee. Closed meetings will not be recorded.

2.9.3 Should the recording interfere with the proceedings of the Council or Committee meeting, the recording privileges may be withdrawn. The ruling of the Presiding Officer or Chair shall be final unless by appeal to the Council which shall decide upon the question without debate.

2.9.4 When exercising the discretion to authorize the use of equipment such as described above, regard shall be had as to whether the use will be a distraction to the meeting, whether the use is required for an accessibility reason and also as to whether there is a recording secretary present with the capability of providing a complete record of the meeting.

2.9.5 Any and all audio/video recordings recorded than other than by the Municipality shall not, under any circumstances, be deemed to be official records.

3. Roles and Responsibilities

3.1 Role of the Head of Council (Mayor)

3.1.1 To act as Chief Executive Officer of the Municipality and as Chief Executive Officer shall:

- uphold and promote the purposes of the Municipality;
- promote public involvement in the Municipality's activities;

- act as the representative of the Municipality both within and outside the Municipality, and promote the Municipality locally, nationally and internationally;
 - Participate in and foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents.
- 3.1.2 To preside over Council meetings so that its business can be carried out efficiently and effectively;
- 3.1.3 To provide leadership to the Council;
- 3.1.4 To represent the Municipality at official functions;
- 3.1.5 To carry out the duties of the Head of Council under the Municipal Act or any other Act;
- 3.1.6 To act as Council's representative when dealing with other levels of government, their agencies and the private sector;
- 3.1.7 To serve on the Council of the County of Bruce;
- 3.1.8 To serve as an ex officio member of all committees or other body established or appointed by Council (the Mayor may vote and otherwise participate, unless prohibited by law, in the business of the committee of other body on the same basis as any other Committee member).

3.2 Role of Council

- 3.2.1 To represent the public and to consider the well-being and interests of the Municipality;
- 3.2.2 To develop and evaluate policies and programs of the Municipality;
- 3.2.3 To determine which services the Municipality provides;
- 3.2.4 To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- 3.2.5 To ensure the accountability and transparency of the operations of the Municipality, including the activities of the senior management of the Municipality;
- 3.2.6 To maintain the financial integrity of the Municipality; and
- 3.2.7 To carry out the duties of Council under the Municipal Act or any other Act.

3.3 Role of Chief Administrative Officer (CAO)

- 3.3.1 To exercise general control and management of the affairs of the Municipality for the purpose of ensuring the efficient and effective operation of the Municipality;
- 3.3.2 To ensure implementation of Council's decisions and establishment of administrative practices and procedures to carry out Council's decisions;
- 3.3.3 To ensure undertaking of research and provision of advice to Council on the policies and programs of the Municipality;
- 3.3.4 To carry out such other duties required under the Municipal Act, or any other Act, and other duties assigned by the Council.

3.4 Role of Clerk

- 3.4.1 Record without note or comment, all resolutions, decisions and other proceedings of the Council;
- 3.4.2 If required by any member present at a vote, to record the name and vote of every member voting on any matter or question;

- 3.4.3 To keep the originals or copies of all By-laws and of all Minutes of the proceedings of the Council;
- 3.4.4 To make such minor clerical, typographical or grammatical corrections in form to any By-law, Motion or Resolution and/or Minutes as they may be required for the purpose of ensuring correct and complete implementation of the actions of Council;
- 3.4.5 To perform any other duties required under the Municipal Act or under any other Act;
- 3.4.6 To perform such other duties as are assigned by the Council.

4. Council Meetings

4.1 Held – Council Chambers

Meetings of the Council shall be held at the Council Chambers adopted as used by the Council from time to time for such purpose. Other locations may be utilized from time to time as deemed necessary by Council.

4.2 Inaugural – Day – Time of

The inaugural Meeting of Council shall take place at the first regular Council Meeting following the election.

4.3 Regular – Day – Time of – Altered – by Resolution

The next and each succeeding regular meeting of Council shall be held on the second and fourth Monday of each month, commencing at 7:00 p.m., provided, however, that the day and time of regular meetings of the Council may be altered as the Council may by resolution prescribe.

4.4 Regular Meetings – Notice

Public notice of Regular Meetings will be provided on the municipal website and also in accordance with the Municipality's Notice By-law.

4.5 Head of Council – Presiding Officer

The Head of the Council shall preside at all meetings of Council.

4.6 On Holiday – Rescheduled – Next Day

When the day for a regular meeting of Council is a public or civic holiday, the Council shall, unless the Council decides otherwise, meet at the same hour on the next following day which is not a holiday.

4.7 Summoned – Upon Request

The Head of Council may at any time summon a Special Meeting of Council and, upon receipt of the petition of the majority of the members of the Council, the Clerk shall summon a Special Meeting for the purpose and at the time mentioned in the petition.

4.8 Special Meeting – Notice

No Special Meeting of the Council shall be held unless and until every member of the Council shall be present or shall have had written or verbal notice of such meeting.

4.9 Meetings Open to the Public

The meetings of Council including meetings of any committee appointed pursuant to Article 17 of this by law shall be open to the public and no person shall be excluded therefrom except for improper conduct.

4.10 Closed to the Public – Optional

A meeting or a part of a meeting may be closed to the public and the media by majority vote of the members present at such meeting if the subject matter being considered relates to:

- security of the property of the municipality or local board
- personal matters about an identifiable individual, including municipal or local board employees
- a proposed or pending acquisition or disposition of land by the municipality or local board
- labour relations or employee negotiations
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board
- advice that is subject to solicitor/client privilege, including communications necessary for that purpose
- a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act. 2001, c.25, s.239 (2).
- Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed could reasonably be expected to prejudice significantly the competitive position or interfere significantly with contractual or other negotiations of a person, group of persons, or organization;
- A trade secret or scientific, technical, commercial, financial information that belongs to the municipality or local board and has monetary value or potential monetary value: or
- A position, plan, procedure, criteria or instruction to be applied to any negotiation carried on or to be carried on by or on behalf of the municipality or local board.
- The meeting is held for the purpose of educating or training the members and at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

4.11 Closed to the Public – Mandatory

A meeting or a part of a meeting SHALL be closed to the public and the media if the subject matter relates to:

- the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission or other body is designated as head of the institution for the purposes of that Act;
- an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act” an Ombudsman referred to in subsection 223.13 (1) of the Municipal Act or the investigator referred to in subsection 239.2 (1)

4.12 Closed to the Public – Prior to Meeting

Before a meeting is closed to the public, the Council shall state by resolution:

- the fact of the holding of the closed meeting;
- the general nature of the holding of the closed meeting;

4.13 Closed Meeting – Record in Minutes

If a meeting is closed to the public, the Clerk of the municipality or the recording official of the local board shall record in the minutes of the meeting where the decision to close is made,

- the time and fact of the holding of the closed meeting;
- the matter considered at the closed meeting;
- the clause or clauses in the Municipal Act, section 239 that were relied on to justify having the meeting; and the reasons why a closed meeting was necessary.

4.14 Personal Information – No Record in Minutes

The Clerk of the municipality or the recording official of the local board, in making the minutes referred to in the Municipal Act, section 239 shall not record any personal information as defined in the Municipal Freedom of Information and Protection of Privacy Act.

4.15 Closed Meeting

Meeting or sessions which are closed to the public may be referred to as closed meetings or sessions.

4.16 Adjournment – Time – Extension – After 11:00 p.m.

No item of business may be dealt with at a Council Meeting after eleven (11) p.m. unless Council passes a resolution agreeing to dispense with this provision.

5. Rules of Conduct

5.1 Call to Order

As soon after the hour of meeting as there be a quorum present, It shall be the duty of the Head of Council or other Presiding Officer to open the meeting of Council by taking the chair and calling the members and public to order.

5.2 Announce – Business – Order

It shall be the duty of the Head of Council or other Presiding Officer to announce the business before the Council in the order in which it is to be acted upon.

5.3 Receive – Submit – Motions – Proper Manner

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

5.4 Vote – All Questions – Arising – Announce Results

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

5.5 Decline – Motions – Infringement of Procedure

It shall be the duty of the Head of Council or other Presiding Officer to decline to put to vote motions which infringe the rules of procedure.

5.6 Restrain Member – in Debate

It shall be the duty of the head of Council or other Presiding Officer to restrain the members, in accordance with accepted rules of order, when engaged in debate.

5.7 Enforce – Order – Decorum

It shall be the duty of the Head of Council or other Presiding Officer to enforce on all occasions the observance of order and decorum among the members and public present.

5.8 Improper conduct – Unparliamentarily – Expulsion

It shall be the duty of the Head of Council, or other Presiding Officer, to expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting.

5.9 Order – to Vacate – Persisting – Breach of Rules

It shall be the duty of the Head of Council or other Presiding Officer to call by name any member persisting in breach of the rules or order of the Council, thereby ordering him/her to vacate the Council Chamber.

5.10 Receive – Announce – Messages – Communications

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

5.11 Signing – By-Law – Resolutions – Minutes – Authenticate

It shall be the duty of the Head of Council or other Presiding Officer to authenticate, by his/her signature when necessary, all by-laws, resolutions, and minutes of the Council.

5.12 Point of Order – Discussion

It shall be the duty of the head of Council or other Presiding Officer to inform the Council, when necessary, or when referred to for the purpose, on a point of order or usage.

5.13 Represent – Support – Council

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

5.14 Ensure – Conformity – Laws – By-Laws

It shall be the duty of the Head of Council or other Presiding Officer to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council.

5.16 Adjourn – Meeting – Business Concluded

It shall be the duty of the Head of Council or other Presiding Officer to adjourn the meeting when the business is concluded.

5.17 Adjourn – Meeting – Disorder – In Chambers

It shall be the duty of the Head of Council or other Presiding Officer to adjourn the meeting without question put in the case of grave disorder arising in the Council Chamber.

6. Agenda - Preparation**6.1 Regular Meeting – Content**

The Clerk shall have prepared, included in the electronic package and circulated for the use of members at the regular meetings of Council an agenda under the following headings:

- 1.) Acceptance of Agenda
- 2.) Disclosure of Pecuniary Interest & General Nature Thereof
- 3.) Public Meetings Required Under the Planning Act
- 4.) Delegations
- 5.) Adoption of Minutes
- 6.) Business Arising from Minutes
- 7.) Status Report
- 8.) Department Head & Councillor's Reports

- 9.) Public Notification
- 10.) Accounts
- 11.) Correspondence Requiring Action
- 12.) Information Correspondence
- 13.) Resolutions
- 14.) By-Laws
- 14.) Committee Reports
- 16.) Business Brought Forward by Councillors
- 17.) Closed Meeting
- 18.) Confirmation of Proceedings
- 19.) Adjournment

6.2 Agenda – Related Materials – Copies Provided

Under normal circumstances members of Council shall be provided with copies of the agenda and related correspondence by 4:30 p.m. on the Thursday immediately prior to the regular meeting date.

6.3 Order of Business

The business of the Council shall in all cases be taken up in the order in which it stands upon the agenda unless otherwise decided by a majority vote of Council.

6.4 Disclosure – Pecuniary Interest

A member shall make a disclosure of pecuniary interest and the general nature thereof on the agenda for the evening's session and to allow the Clerk to record the disclosure(s) whether in open or closed meetings.

7. Minutes

7.1 Minutes – Recorded – Proceedings

The minutes of regular Council sessions shall record:

- the place, date, and time of the meeting;
- the names of the Presiding Officer and the record of attendance of members;
- the reading, if required, correction, and adoption of the Minutes of prior meetings;
- all other proceedings of the meeting without note or comment.

7.2 Minutes – Previous – Available – Clerk – Responsibility

Under normal circumstances it shall be the duty of the Clerk to ensure that the minutes of the last regular meeting, and all special and Advisory committee meetings held more than five working days prior to a regular meeting, be ready for the members of Council by 4:30 on the Thursday immediately prior to the regular session.

7.3 Minutes – Adoption

Such Minutes referred to in Sections 7.1 and 7.2 shall be adopted by Council, subject to appropriate corrections and amendments by means of a show of hands called for by the Presiding Officer.

8. Delegations

8.1 Notice – to Clerk – Before Distribution Time

Person desiring to present information or petitions verbally on matters of concern, facts of interest, or to make a request of Council, shall give verbal or written notice to the Clerk, before 12:00 noon on the Thursday immediately preceding the Council meeting.

8.2 Notice – Indication of Subject Matter – Additional Information

The notice shall indicate the subject for discussion. All requests for financial assistance, either in grants or loans, shall be supported by a financial statement and financial projection of the deputation making the request.

8.3 Presentation – Time Limitation – Proceedings

- 8.3.1 Individuals or groups desiring to present information or petitions verbally on matters of concern, facts of interest or to make a request of Council shall be limited to two speakers and limited to speaking not more than a total of fifteen (15) minutes duration. Persons requesting to appear before Council/committee shall be advised of the time limitation in advance of their delegation.
- 8.3.2 Any person desiring to be heard as a delegation to Council shall submit a request to the Clerk not later than 12:00 p.m. (noon) on the Thursday of the week preceding the day of the meeting and such a request shall clearly state the nature of the business to be discussed and provide a general summary of the information to be presented.
- 8.3.4 Delegations addressing Council shall confine their remarks to the business stated in their request to be heard and shall present same in a respectful and temperate manner.
- 8.3.5 All delegations heard by Council may be referred to a Board or Committee following their presentation. No debate shall be allowed following the presentation; however, any Council Member may direct questions through the Chair to the delegation and certain directions may be given by Council.
- 8.3.6 Upon consent of the majority of members present the (15) minute time limit for deputations/delegations may be extended.
- 8.3.7 Council may at its discretion, expressed by resolution and adopted by a majority vote of its members present, hear any person.
- 8.3.8 A delegation, once heard, shall not be entitled to be heard on substantially the same matter for a period of three (3) months from the date of first being heard, unless new information is being provided to assist Council in its decision making. Refusal of request to appear as a delegation may be appealed to the Mayor.
- 8.3.9 Delegations will not be scheduled whose subject relates to a matter currently before the courts or administrative tribunals.
- 8.3.10 Delegations will not be scheduled whose subject is determined by the Mayor and Clerk to be frivolous in nature or unsuitable for public presentation.
- 8.3.11 A delegation may be refused when, in the opinion of the Mayor and Clerk, the subject of the presentation is beyond the jurisdiction of the municipality.
- 8.3.12 A maximum of four (4) Public Meetings/Hearings and four (4) Presentations/Delegations per regular meeting shall be permitted, and no delegations shall be permitted during a meeting unless specifically pre-approved.

9. Reading of By-Law Proceedings

9.1 Confirming Proceedings – Considered – Approved Only

No by-law, except a by-law to confirm the proceedings of Council, shall be presented to Council unless the subject matter thereof has been considered and approved by Council.

9.2 By-Law – Introduction – by Motion – Title Specified

Every by-law shall be introduced upon motion by a member specifying the title(s) of the By-Law.

9.3 By-laws – Typed – No Blanks – Compliance All Acts

Every by-law when introduced shall be in typewritten form and shall contain no blanks except as may be required to conform to accept procedure or to comply with provisions of any Act and shall be complete with the exception of the date thereof.

9.4 By-Laws

Every By law shall come into force and effect on the date it is finally passed. Three readings will only be given if requested by the majority of the members present or if required by Law. (Drainage Act)

9.5 Readings – Three – Readings

A by-law may be given three readings prior to passage. By-Laws may be given three readings on the same day except if otherwise provided in law.

9.6 Readings – First and Second without Amendment - Debate

If a by law is given three readings the first and second readings of a by-law shall be decided without amendment or debate.

9.7 By-Laws – Numbers – Signed - Sealed

Upon passage By-Laws shall be numbered, signed by the Mayor or Presiding Officer and Clerk and embossed with the seal of the Corporation.

9.8 By-Laws – For Referrals

Any proposed By-Law may be referred to a Committee, Department Head or other officer for review and comment, including the Solicitor of the Corporation.

9.9 Confirming By Law

Council shall employ a confirming by-law immediately prior to adjournment for the purpose of validating decisions or direction given and not set out in a By-Law or Resolution.

9.10 By-Law – Read – Council – Determination

If Council so determines, a by-law may be taken as read.

10. Motions

10.1 Notices of Motions

Notice of motions except motions listed in Sections 13.15 and 13.16 shall be circulated to Councillors by way of the agenda package for that meeting at which a motion is to be introduced and a motion on the agenda shall identify the content for that meeting of the Council.

10.2 Dispensing with Notice

Any motion may be introduced without notice if the Council, without debate, dispenses with notice on the affirmative vote of at least a simple majority of the Members present

and voting. The motion shall be submitted to the Clerk in writing over the signature of the mover and seconder and shall be complete and correct.

10.3 Seconding

A motion must be formally seconded before the Presiding Officer can put the question or a motion be recorded in the minutes.

10.4 Presentation of Motion – By Chairperson

When a motion is presented in Council in writing, it shall be read or if it is a motion which may be presented orally, it shall be stated by the Presiding Officer before debate.

10.5 Motion – Withdrawal

After a motion is read or stated by the Chairperson it shall be deemed to be in possession of the Council but may, with the permission of the Council, be withdrawn at any time before decision or amendment.

11. Motion to Amend

11.1 Presented in Writing

A motion to amend shall be presented in writing.

11.2 Disposition of Council – Before Previous Amendment

A motion to amend shall receive disposition of Council, before a previous amendment, or the question.

11.3 Further Amendment – Once Only

A motion to amend shall not be further amended more than once provided that further amendment may be made to the main questions.

11.4 Relevant – to Question

A motion to amend must be relevant to the question.

11.5 Direct Negative – Proposed – Prohibited

A motion to amend shall not be received proposing a direct negative to the question.

11.6 Separate – Distinct – Disposition – Proposed

A motion to amend may propose a separate and distinct disposition of a question.

11.7 Reverse Order – than Moved

A motion to amend shall be put in the reverse order to that in which it is moved.

12. Voting on Motions

12.1 Question – Stated – Exception

Immediately preceding the taking of the vote, the Presiding Officer may state the question in the form introduced and shall do so if required by a member except when a motion for the previous question has been resolved in the affirmative.

12.2 Question – Read – Recording – Precise Form

The Presiding Officer shall state the question in the precise form in which it will be recorded in the minutes.

12.3 Questions – Put – Voted – Interruption – Prohibited

After a question is finally put by the Presiding Officer no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

12.4 Motion – Beyond Jurisdiction – Ultra Vires

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

12.5 Vote – Unrecorded

The manner of determining the decision, on the Council of the motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, Advisory or otherwise.

12.6 Vote – Recorded

When a Member present requests a recorded vote, all Members present at the Council or Committee meeting must vote in alphabetical order, unless otherwise prohibited from voting by any Statute or Act. The names of those who voted for and others who voted against shall be noted in the minutes. The Clerk shall announce the results.

A failure to vote under 12.6 by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.

12.7 Voting – Closed Meeting

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

12.7.2 A meeting may be closed to the public during a taking of the vote where:

- (i) Section 3.11 and 3.12 permit a meeting to be closed to the public; and
- (ii) The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality or persons retained by or under contract of the Municipality.

12.8 Failure to Vote

Failure to vote by any member present, except when a member has declared a pecuniary interest, shall be taken as a negative vote.

13. Rules of Debate**13.1 Chairperson – Recognition – of Member**

Every member prior to speaking to any question or motion shall be recognized by the Presiding Officer.

13.2 Speaking – Order – Determined by Presiding Officer

When two or more members wish to speak, the Presiding Officer, shall name the member who is his/her opinion requested first.

13.3 Vote – Required – All Members – Exception

Every member present at a meeting of the Council when a question is put shall vote thereon unless prohibited by statute.

13.4 Vote – Recorded – Individual

When a recorded vote is requested by a member, or is otherwise required, the Clerk shall record the name and vote of every member of any matter or question.

13.5 Failure to Vote – Deemed Negative – Exception

If any member at a meeting of the Council, when a question is put and a recorded vote taken, does not vote, he/she shall be deemed as voting in the negative except where he/she is prohibited from voting by statute.

13.6 Objection – to Vote – Immediate

If a member disagrees with the announcement of the Presiding Officer that a question is carried or lost, he/she may, but only immediately after the declaration by the Presiding Officer, appeal the declaration and request that a recorded vote be taken.

13.7 Vote – Called – Member Seated

When the Presiding Officer calls for the vote on a question, each member shall occupy his/her seat and shall remain in his/her place until the result of the vote has been declared by the Presiding Officer.

13.8 Passing – Between Speaker – During Vote – Prohibited

During a vote no member shall walk across the room to speak to any other member or make any noise or disturbance.

13.9 Speaking – Passing Between – Chair – Prohibited

When a member is speaking, no other member shall pass between him/her and the Chair or interrupt him/her except to raise a point of order.

13.10 Speaking – Only Once – Exception

No member shall speak more than once to the same question without leave of the Presiding Officer, except that a summation shall be allowed to be made by a member of the Council who has presented the motion to the Council, but not by any member who has moved an amendment or procedural motion.

13.11 Speaking – Only Once – Time Limitation

No member, without leave of the Presiding Officer, shall speak to the same questions, or in reply, for longer than ten minutes.

13.12 Questions – Motion – Read – Upon Request

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.

13.13 Question – Explanation – Previous Speaker

A member may ask a question or make a statement for the purpose of obtaining information relating to the matter under discussion and such questions must be stated briefly and asked only of the previous speaker.

13.14 Questions – Next Speaker – Before Speaker

Notwithstanding Section 12.13 when a member has been recognized as the next speaker, then immediately before speaking, such member may ask a question of the Presiding Officer or an official of the municipality on the matter under discussion but only for the purpose of obtaining information, following which the member shall speak

13.15 Matters – Motions – Introduced Orally – Without Notice

The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by these Rules of Procedure:

- a point of order or personal privilege;
- presentation of petitions;
- to lay on the table;

- to postpone pending receipt of further information on the matter or motion or to a day certain;
- to move the previous question.

13.16 Matters – Motions – Introduced Written – Without Notice

The following motions may be introduced without notice and without leave, and such motions shall be in writing and signed:

- to refer;
- to adjourn;
- to amend;
- to suspend the Rules of Procedure

13.17 Motions – In Writing – Signed – By Mover – Secunder

Except as provided by Section 13.15, all motions shall be in writing and signed by the mover and seconder.

13.18 Motions – Subject to Notice Provisions

The Clerk and other officers may introduce matters to be dealt with by motion subject to the notice provisions set out in Paragraph 9.1.

13.19 “Unproviding” Cases – Decided – Presiding Officer

In all unprovided cases in the proceedings of the Council the matter shall be decided by the Presiding Officer, subject to an appeal to the Council upon a point of order.

14. Points of Order and Privileges

14.1 Order – Preserved – Questions – Presiding Officer

The Presiding Officer shall preserve order and decide questions of order.

14.2 Raised – Presiding Officer – Decision

When a member rises to a point of order he/she shall ask leave of the Presiding Officer to raise a point of order and after leave is granted, he/she shall state the point of order, by section of by-law to the Presiding Officer and sit down and remain seated until the Presiding Officer shall have stated and decided the point of order.

14.3 Appeal – Address – Chair

Thereafter, a member shall only address the Chair for the purpose of appealing the Presiding Officer's decision to the Council.

14.4 No Appeal – to Council – Decision Final

If no member appeals, the decisions of the Presiding Officer shall be final

14.5 Appeal – to Council – Decision Final

The Council, if appealed to, shall decide the question without debate and its decision shall be final.

14.6 Integrity – Member – Council – Impugned

Where a member considers that his/her integrity or the Council as a Whole has been impugned, he/she may as a matter of personal privilege, rise at any time, with the consent of the Presiding Officer, for the purpose of drawing the attention of the Council to the matter.

15. Conduct – Member of Council

15.1 Conduct of Members of Council and Guests

No member shall:

- use offensive words or unparliamentary language in or against the Council or against any member, staff or guest;
- disturb another, or the Council, staff, or guest, by any disorderly conduct disconcerting to the speaker or the assembly;
- speak on any subject other than the subject in debate;
- resist the rules of Council or disobey the decisions of the Mayor or presiding officer or of Council on questions of order or practice or upon the interpretation of the rules of Council;
- leave a meeting without first obtaining permission from the Mayor or presiding officer;
- be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of the Council, until the next meeting and without making an apology to Council;
- interrupt the member who has the floor except to raise a point of order;
- criticize any decision of the Council except for the purpose of moving that the question be reconsidered.

16. Committee of the Whole

16.1 Committee of the Whole - Composition

Committee of the Whole consists of all members of the Council present at a meeting sitting in Committee.

16.2 Presiding Officer – Participation – Absence

The Presiding Officer may appoint another member of the committee to act as committee Chairperson while he/she is speaking to a question of while he/she is temporarily absent from the meeting.

16.3 Chairperson – Maintain Order – Report Proceedings

The committee Chairperson shall maintain order in the committee and report the proceedings to the Council.

16.4 Rules – Procedure – Observed

The rules governing the procedure of the Council and the conduct of members in Council, shall be observed in committee so far as they are applicable except that:

- no vote shall be recorded;
- motions may be moved orally except where the Presiding Officer requests that the motion be in written form;
- a seconded shall not be required on motions.

16.5 Speaking – Number of Times – Not Limited – Until Vote

The number of times of speaking on any question shall be limited unless a member moves that the vote be now taken.

16.6 Speaking – Once Only – Exception – Explanation

No member shall speak more than once except to make an explanation until every member moves that the vote be now taken.

16.7 Reports – Discussion – Introducer – Privilege

When a report or by-law is under discussion in Committee of the Whole, the Chairperson of the committee whose report is under consideration, or the introducer of the by-law, shall not be required to take the Chair.

16.8 Question of order – Decided – Disorder – Procedure

Questions of order arising in Committee of the Whole shall be decided by the Chairperson, subject to an appeal to the committee, and if any disorder arises in the committee, the Head of the Council shall resume the chair, without any question being put.

16.9 Motion – Rise and Report – Decision – Without Debate

On motion in Committee of the Whole, to rise and report the question shall be decided without debate.

16.10 Motion to Leave Chair – Order – Precedence

A motion in Committee of the Whole, to rise without reporting or that the Chairperson leave the chair, shall always be in order, and shall take precedence over any other motion.

16.11 Debate – Speaking – Affirmative Vote – Deemed Negative

On such motion, debate shall be allowed, but no member shall speak more than once, and on an affirmative vote, the subject referred to the committee shall be considered as disposed of in the negative, and the Head of the Council shall resume the chair and proceed with the next order of business.

16.12 Chairperson – Entitled to Vote

The Committee Chairperson shall be entitled to vote at meetings thereof as a member of such committee but shall not have a casting vote or second vote in the event of an equality of votes on a question.

17. Committees - Types – Composition**17.1 Brockton Municipal Organization**

The Municipality of Brockton may appoint the following Committees: Advisory Committees, Sub-Committees, Adhoc Committees and Liaison Boards or Committees.

17.2 Committees of Council - Composition - Purpose

Committees of Council consist of the Chair, being a Council member, and three other council members. The Mayor may sit on any of the Committees of Council and will have the same voting rights as any other member of the Committee. Committees of Council may meet to review and discuss issues relating to their area of responsibility and make recommendations to Council.

17.3 Advisory Committees - Composition

Advisory Committees shall consist of appropriate Council members and residents and/or ratepayers of the municipality serving as members at large as appointed by the Council. The Mayor also sits on all Advisory Committees by virtue of his Ex-Officio status.

17.4 Advisory Committees - Mandate - Creation - Independent

Advisory Committees act in accordance with a mandate, are created by by-law, are not enabled to act independently, and advise Council, through the appropriate chair or member of Council on matters related to the mandate.

17.5 Advisory Committees - Term - Subject to Review

Advisory Committees exist at the pleasure of Council, the Council shall at its discretion review the mandates of the various Advisory Committees and the performance of the committee members.

17.6 Advisory Committees - Term - Subject to Review

Committee appointments may be reviewed and they may be either renewed or terminated at the discretion of Council.

17.7 Advisory Committees - Sub Committees

Sub-Committees may be appointed by Committees of Council and Advisory Committees and have specific areas of responsibility but unlike Adhoc Committees can exist indefinitely.

17.8 Mandate adopted by Council - Policies - By Resolution

The committee mandate shall be adopted by by-law of Council but related policies may be adopted by resolution of Council and will become part of the Municipal Policy Manual.

17.9 Adhoc Committees - Appointed - Special Purposes

Adhoc Committees may be appointed from time to time for specific, special purposes as will be outlined in a Council resolution and/or by-law.

17.10 Adhoc Committees - Mandate - First Duty - Agenda

The mandate will be set out by Council and the first duty of the Adhoc Committee shall be to prepare and to present for Council consideration, a program or agenda to illustrate how it proposes to carry out the prescribed mandate.

17.11 Adhoc Committees - Dissolved - Report - Completed

When an Adhoc Committee have completed its work and made a report it shall dissolve automatically and the appropriate courtesy motion shall be presented to Council.

17.12 Liaison Committees - Members - Ex Officio Capacity

Liaison Committees are committees, boards, and commissions on which members of the Council sit in an "ex officio" capacity.

17.13 Council Members - Non Representative

Council members are not required to represent or to defend the actions or the decisions of the Council to the committees with which they liaise.

17.14 Liaison Committees - Communication - Assistance

The role and function is intended to be one of communication and assistance to the committee but it is not intended to preclude or to replace written correspondence and minutes from the committee to the Council.

17.15 Correspondence - Submitted to Council - by Clerk

Similarly, the Clerk should submit written correspondence from Council to the various Committees as it pertain to their Committee.

17.16 Committees of Council - Defined

- Finance Committee
- Committee of Adjustment (Planning Act)
- Planning Advisory Committee (Planning Act)

17.17 Committees Established by Provincial Legislation – Defined

- Emergency Measures Committee (Emergency Management Act)
- Health and Safety Committee (Occupational Health and Safety Act)

17.18 Advisory Committees – Defined

- Bradley Community Centre Board
- Brockton Area Physician Recruitment and Retention Committee
- Brockton Economic Development Committee
- Brockton Environmental Advisory Committee
- Cargill and District Community Fund
- Child Care Committee
- Community Improvement Committee
- Elmwood Community Centre Board
- Hanover/Walkerton Waste Management Committee

- Heritage/Library Committee
- Walkerton Parks and Recreation Committee

17.19 Liaison Boards or Committees – Defined

Liaison Committees include the following, in addition to others which Council may by resolution agree to participate with, from time to time.

- Brockton Police Service Board
- Bruce Area Solid Waste Recycling Association Inc.
- Grey Bruce Sound and Lighting
- Saugeen Mobility and Regional Transportation
- Saugeen Municipal Airport Commission
- Saugeen Valley Conservation Authority Board
- Walkerton Business Improvement Area
- Westario Power

18. Committee Appointments

18.1 Appointments

Committee appointees may be chosen by the Mayor and will be appointed to such Committee by the Municipal Appointment By-Law.

19. Committees - Minutes and Reports

19.1 Minutes - Compiled - Circulated

The minutes for each committee shall be compiled after each meeting and shall be adopted at the next Committee Meeting and shall be forwarded to the next available Council meeting for circulation as part of the “Committee Reports” section of the Council agenda. The committee minutes shall also be circulated to the originating committee as part of the agenda package for the Committee’s next available meeting.

19.2 Action Required - Tabled before Council

All items from Committees requiring Council action shall be tabled before Council in the form of a resolution or report.

19.3 Personnel Issues - Presentation to Council

All personnel issues including but not limited to hiring, dismissal, promotion, demotion, probationary periods and any form of salary adjustments shall be reviewed by the Council and if a recommendation is to be made to Council for implementation or action it shall be made by way of a “Confidential Report”.

20. Advisory Committees - Adhoc Committees - Rules

20.1 Special Meetings - Called - Notice - Required

Special Meetings of a Advisory Committee or AdHoc Committee may be called by the committee chair whenever he/she may consider it necessary to do so, or it shall be the duty of the Clerk or Committee Secretary to summon a special meeting of the committee whenever requested in writing to do so by a quorum of the members of the committee.

20.2 Voting - Chair - Privilege - Equal Division - Negative

The committee Chair, or in his/her absence, the Vice-Chair or such other members of the committee, as may be chosen by the committee, shall preside at every meeting and may vote on all questions submitted and in the case of an equal division, the question shall be deemed to have been decided in the negative.

20.3 Absence - Chair - Vice-Chair - Quorum - Appointment

In the absence of the committee Chair and Vice-Chair for a period of fifteen (15) minutes after the time appointed for the holding of a meeting of the committee, one of the other members of the committee, if there be a quorum present, may be appointed

and shall discharge the duties of the committee Chair during the meeting or until the arrival of the committee Chair.

20.4 Quorum - Not Present – 15 Minutes - Adjournment

If there be no quorum present fifteen (15) minutes after the time appointed for the meeting, the meeting shall stand adjourned at the call of the committee Chair.

20.5 Quorum - Majority - Voting Members

A quorum is a majority of the voting members of the committee.

20.6 Rules - Procedure followed - Each Committee

It shall be the duty of each committee to adhere to the transaction of all business according to the rules as detailed in section 5 of this by-law.

20.7 Point of Order - Procedure

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

20.8 Spokesperson - Chair - Vice-Chair

The committee Chair, or in his/her absence, the Vice-Chair, shall act as spokesman for the committee at Council and other appropriate meetings

20.9 Special Committee - Appointment - Business

An Advisory Committee may appoint a special committee from its members to investigate and report on any matters related to committee business, provided that Sections 19.11 and 19.12 apply.

20.10 Special Committee - Report - Appointing Committee

The Special Committee, in all cases, reports directly to the Appointing Committee.

20.11 Appointment - Additional - Prohibited

The established Special Committee does not have the power to appoint additional Sub-Committees, nor shall it add to its membership without permission from the original Advisory Committee.

20.12 Secretary - Duty - Give Notice - Regular Meeting

It shall be the duty of the Secretary to give notice of each regular meeting of the Advisory Committee together with an agenda of the matters to be considered so that such notice and agenda will reach the members at their addresses as recorded in the Council records not later than one working day preceding the day of the meeting.

20.13 Secretary - Duty - Give Notice - Agenda - Special Meeting

It shall be the duty of the Secretary to give notice of each special meeting of the Advisory Committee together with an agenda of the matters to be considered so that such notice and agenda will reach the members at their addresses as recorded in the Council records not later than 24 hours preceding the time set for the special meeting.

20.14 Delegations - Address Committee - Request

Delegations may address committees by requesting the Committee Secretary or his/her appointee, to place their name in deputation on the agenda for the particular meeting.

20.15 Delegations - Not Listed - Heard - Conditional

Notwithstanding Section 19.14, and at the committee's discretion, any delegation other than those listed, may be heard on any item appearing on the agenda.

20.16 Delegations - Priority

The priority in which delegations are heard by the committee shall be in accordance with the following:

- known and listed deputations arranged for prior to distribution of agenda;
- delegations who, subsequent to the preparation of the agenda and prior to the commencement of a meeting, apply to the Secretary to be heard on a particular matter;
- delegations who appear at a meeting and are not identified until such times a particular item comes forward for discussion.

20.17 Rules - Procedure - Advisory Committee

The rules governing the procedure of the Council and the conduct of members of Council shall be observed in a meeting of an Advisory Committee including Sections 4.9 thru 4.15

20.18 Speaking – No limit

In an Advisory Committee the number of times a member may speak on any question shall not be limited.

20.19 Speaking - Once Only - Until All Members Heard

In an Advisory Committee no member shall speak more than once to an item of business until every member who desires to speak has spoken.

20.20 Item - Re-opened - Majority Present

In an Advisory Committee at the request of any member of the committee present, any item on the agenda of the meeting may be re-opened upon a majority of the members present.

20.21 Breach - Persistent - Seat Vacated - Unless Apology

In an Advisory Committee if a member disregards the rules of the Council or a decision of the Chair of the Advisory Committee on questions of order or practice or upon the interpretation of the rules of the Council and persists in such conduct, after having been called to order by the said Chair, the Chair shall forthwith put the question with no amendment, adjournment or debate, "that such member be ordered to leave his/her seat for the duration of the committee meeting". If following such vote by the committee the member apologizes, he/she may, by a further vote of the committee be permitted to retake his/her seat.

20.22 Adjournment - Extension - Majority Consent

No item of business may be dealt with by a committee after 11:00 p.m., without the consent of a majority of the members of the committee.

20.23 Advisory - Sub-Committees - Authority

Advisory Committees and Sub-Committees are enabled or given authority to act by one or more of the following:

- Provincial Legislation;
- the current budget;
- the Procedure By-Law;
- a by-law or resolution of Council; or
- a resolution of an Advisory Committee

21. Committee Duties

21.1 Committees shall fulfill their duties as delegated by the Municipal Council and as outlined in the Committee's mandate.

22. General Provisions – All Committees**22.1 Members - Placed - Any Committee**

Any member of the Council may be appointed to a Committee notwithstanding the absence of such member at the time of his/her being named on such committee.

22.2 Chair - Ex Officio - All Advisory - Sub-Committees

The Chair of an Advisory Committee shall be ex-officio, a member of all Sub-Committees of such Advisory Committee.

22.3 Mayor - Ex-Officio - All Committees - Voting Privilege

The Mayor shall be, ex-officio, a member of all Committees and may vote on all questions before the committee.

22.4 Quorum - All Members - Constitute

A majority of all members of a committee shall constitute a quorum.

22.5 Notice Of Meetings

The Secretary shall not be required to give notice of regular meetings of Committees and Boards but the mailing or emailing and receipt of the Agenda for the meeting shall constitute notice thereof.

The Secretary shall endeavor to notify all members of meeting cancellations.

22.6 Member - Absent - Appointment - Temporary Member

The Mayor may appoint or the Advisory Committee may recommend to Mayor for appointment of a new member to act on any committee in lieu of and during the absence of any regular member thereof, who is absent from the municipality or unable, from illness, to attend the meetings of such committee, and the new member so appointed, shall be deemed a regular member of the committee and entitled to act thereon, only during such absence or illness.

22.7 Council - At Meeting - Voting - Speaking - Prohibited

Members of the Council may attend the meetings of any of its Committees, but shall not be allowed to vote, nor shall they be allowed to take part in any discussion or debate, except by the permission of the majority of the members of the committee.

22.8 Chair - Negligence - Refusal to Act - Replacement

Should a Chair of any committee neglect or refuse to call a meeting of his/her committee at such times, or with such frequency, as the proper dispatch of the business entrusted to the committee requires, or do the business of the committee without the knowledge or consent to its members, or contrary to their wishes or sanction, the committee may report such negligence, refusal or action to the Mayor, who may, if they deem it advisable, remove said Chair from the committee and appoint another member in his/her place, and also a new Chair of the said committee.

22.9 Member - Negligence - Non-Attendance - Replacement

Should any member or members of a committee miss three (3) scheduled meetings in succession, without notification or miss a total of 50 percent or more of the regularly scheduled meetings during the current year whether such absence is given with or without notice, the Chair shall report such negligence or refusal to the Mayor, who may remove the said member or members from the committee and appoint another member or other members in his/her or their places, or should any committee neglect or refuse to give due attention all business or matters before them, the Mayor may, discharge such committee and appoint another in its stead.

23. Estimates - Contracts - Accounts - Expenditures

23.1 Estimates - reported to Treasurer - Annual

It shall be the duty of each of the Advisory Committees to report to the Treasurer, on or before November 1st of each and every year, giving him/her a general statement of its proposed improvements, repairs, and expenditures; together with an estimate of revenue, if any, which may fairly be expected from the department under its supervision for the following year; and the Treasurer shall prepare and report to Council an estimate of the total revenue, expenditure, and assessment for the said year, based on the aforesaid reports as data.

23.2 Decision - Reports - Reduced - Increased - Confirmed

The Municipal Council may amend the budgetary estimates of the Advisory Committees, reducing, increasing, or confirming the several estimates of each and any of them as they deem advisable and such budgetary estimates, thus, amended or confirmed shall then be adopted and the sums set down in each shall constitute the appropriations for the Committees for the said year.

23.3 Estimates - Applied - Other Purposes

Except where restricted by statute, the Council may, at any time, during the year, make a different application of the appropriations made under Section 22.2 or such unexpended portions of them as remain in the Treasurer's hands, but no moneys hereafter voted or raised for any purpose shall be applied to any other purpose, without expressly rescinding or repealing the resolution, report or by-law under which the same was voted or raised, so far as such resolution, report, or by-law stated the purpose.

23.4 Payments - Moneys - Accounts - Approved

All accounts shall be rendered to the Treasurer, but no account, except those hereinafter provided, shall be paid unless such account has first been presented and passed by the Council, after which the Treasurer shall pay the same out of such moneys as have been provided for that purpose, provided, however that Section 22.5 applies.

23.5 Payment Due - Report - Presented - Adopted - Council

The Treasurer may pay any expenditure fixed by law or contract, debentures, interest due, bills discounted, fixed salaries, school moneys, express and freight charges, postage, duty or excise, refunds or overpayments, payrolls, when certified by the official authorized to do so, when due or demanded, without such presentation or passing, in which case, a report of all payments, so made, shall be presented for adoption at the next subsequent meeting of the Council.

23.6 Account - Certified - Acting Official - Chair - Committee

Every account, except those which, under Section 22.5, may be paid, when due or demanded, before being paid shall be certified, by the official or department head under whose direction the work was done, material provided, or debt incurred, under or whose authority the contract or expenditure was made.

23.7 Vouchers - Filed - Within One Month

Nevertheless, the Treasurer may file, within one month from the date of passing, all vouchers whether or not they have been signed by all members of Council.

23.8 Report - to Council

After the introduction and passing of the estimates for the year, any by-laws, reports and resolutions proposing an expenditure of money not provided in the estimates, shall receive a majority vote of the members present, and shall then be referred to Council, and in no case shall any committee or official of the Corporation act upon such by-law, report or resolution until a report of said committee certifying the mode of providing the necessary funds has been adopted by the Council.

23.9 Ratepayers - O.M.B. - Assent - Required

No contract shall be authorized or work undertaken in contemplation of a loan whereby a debt is incurred requiring either the assent of the ratepayer's or the approval of the Ontario Municipal Board, or both, until after such loan or debt has been duly passed by by-law and the appropriate approval has been received, according to statute.

23.10 Work - Without Estimate or Approval - Prohibited

No work or improvement shall hereafter be authorized by the Council, without either having an estimate of the probable cost thereof, or, in the absence of an estimate, limiting an amount therefor, and no contract shall be entered into for such work or improvement at a larger sum or involving a larger expenditure than the amount so estimated or limited; and if such amount is found insufficient, the fact is to be brought before Council and approved before the work is commenced or contracted for.

23.11 Report - Reason for Expenditure - Requirement

For the purpose of better securing the Council full and accurate information before being called upon to authorize the expenditure of money, every report recommending the expenditure of money shall state the reasons and grounds on which the recommendation is made, and shall, as far as practicable, state the same with sufficient detail to enable others to judge the propriety of the proposed expenditure.

23.12 Payment - Account - Claim - Not Confirmed - Prohibited

No account or claim against the municipality arising out of or connected with any contract, agreement, purchase or sale made contrary to this Chapter, shall be certified by any committee or the Chair thereof, or paid by the Treasurer.

24. Disclosures of Conflict Of Interest

- 1) Members of Council are bound by the provisions of the Municipal Conflict of Interest Act and have personal responsibilities and duties.
- 2) The Clerk shall provide each member of Council with a copy of the Act prior to being sworn into Office.
- 3) A member who knows that he or she will be declaring a Conflict of Interest at an upcoming meeting should notify the Clerk prior to the meeting, and
- 4) Each member of Council and local Board has an individual responsibility to satisfy himself or herself as to whether he or she has a conflict of interest in accordance with the Legislation. No member of Council or local Board shall seek specific advice from any member of the municipal administration.

25. Code of Conduct for Members of Council**General Statement**

25.1 Council Members shall conduct themselves according to the Code of Conduct. The Municipal Code of Conduct is a general standard that augments the provincial laws and municipal By-law that govern their conduct.

25.2 Gifts and Benefits

25.2.1 Members shall not accept fees, gifts, hospitality or personal benefits that are connected directly or indirectly with the performance of duties as Municipality of Brockton Councillors except compensation authorized by law.

25.2.2 This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits up to and including a value of \$200.00 that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of office.

25.2.3 No Member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to Municipal services not otherwise available to the general public and not consequent to his or her official duties.

25.3 Confidentiality

- 25.3.1 All information, documentation or deliberation received reviewed or taken in a closed meeting of Council and its Committees are confidential, except as otherwise directed by Council.
- 25.3.2 Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required by-law to do so.
- 25.3.3 Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential.
- 25.3.4 Particular care should be exercised in ensuring confidentiality of the following types of information:
- Labour negotiations;
 - Information about suppliers provided for evaluation which might be useful to other suppliers;
 - Matters relating to the legal affairs of the Municipality;
 - Items under negotiation;
 - Schedules of prices in contract tenders;
 - Information defined as “personal information” under the Municipal Freedom of Information and Protection of Privacy Act;
- 25.3.5 This list is provided for example and is not inclusive. Requests for information should be referred to the Office of the Clerk to be addressed as a formal request under the Municipal Freedom of Information and Protection of Privacy Act.

25.4 Use of Municipal Property

- 25.4.1 No member shall use for personal purposes any Municipality of Brockton property, equipment, supplies, or services of consequence other than for purposes connected with the discharge of Municipal duties or associated community activities of which Municipal Council has been advised.
- 25.4.2 No member shall use information gained in the execution of his or her duties that is not available to the general public, for any purposes other than his or her official duties.

25.5 Work of a Political Nature

- 25.5.1 No member shall use Municipal facilities, services or property for his or her re-election campaign.
- 25.5.2 No member shall use the services of Municipal employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the Municipality.

25.6 Conduct at Meetings

- 25.6.1 During meetings, members shall conduct themselves with decorum. Respect for delegations and fellow members and staff requires that all members show courtesy and not distract from the business of the Council or Committee during presentations and when other members have the floor.

25.7 Representing the Municipality

- 25.7.1 Members shall make every effort to participate diligently in the activities of the agencies, boards, and commissions to which they are appointed.

25.8 Influence on Staff

- 25.8.1 Members shall be respectful of the fact that staff work for the Municipality as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or group of members of Council.

25.8.2 In addition, members shall be respectful of the fact that staff carry out directions of Council and administer the policies of the Municipality, and are required to do so without any undue influence from any individual member or group of Members of Council.

25.9 Business Relations

No member shall borrow money from any person who regularly does business with the Municipality unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

25.10 Harassment

25.10.1 Harassment of another member, staff or any member of the public is misconduct. Harassment may be defined as any behavior by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status and any other grounds under the provisions of the Ontario Human Rights Code.

25.11 Interpretation

Members of Council seeking clarification of any part of this Code of Conduct should consult with the Clerk.

25.12 Transparency and Openness in Decision Making

Members of Council will endeavor to conduct and convey Council business in an open and public manner (other than for those matters in which Council may go into a closed meeting in accordance with the Municipal Act) so that stakeholders can obtain the process, logic and rationale which was used to reach conclusions or decisions.

25.13 Implementation

25.13.1 A Code of Conduct component will be included as part of the orientation workshop for each new Council.

25.13.2 Council Members are expected to review and confirm their adherence to the provisions of the Code on a regular basis or when so requested by Council.

26. Suspension of Rules

Majority Consent - Council - Required

Any procedure required by this by-law may be suspended with consent of a 2/3 majority of the members of Council present.

27. Amendment - Procedure

Notice - Required

No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council, unless notice of proposed amendment or repeal has been given at a previous regular meeting of the Council, and the waiving of this notice by the Council is prohibited.

28. Repeal - Enactment

Conflict - Other By-Law

Where any by-law passed prior to this by-law conflicts with this by-law the terms of this by-law shall prevail.

29. Gender and Number

Reference to Gender and Number

In this by-law, words importing the singular number include the plural and vice versa and words importing the masculine gender include the feminine and neuter genders.

30. By-Law Previous

By-Law 2012-84 and By-Law 2017-024 are hereby rescinded.

31. Validity – By Law

Should any section, subsection, clause, paragraph or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-Law as a whole or any part thereof, other than the provisions so declared to be invalid.

32. Effective Date

This by-law shall become effective upon the date of its enactment.

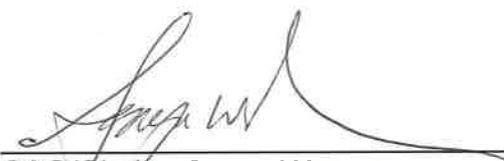
33. Name

This by-law may be cited as the “Procedural By-Law”.

Read, Enacted, Signed and Sealed this 8th Day of January, 2018.



Mayor – David Inglis



CAO/Clerk – Sonya Watson