



## **Procedural By-Law 2018-0XX**

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# The Corporation of the Municipality of Brockton



## By-Law 2018-0XX

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Being a By-Law to govern the proceedings of Council and the conduct of its members and the calling of the meetings of The Corporation of the Municipality of Brockton and its Committees and Boards.

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**Whereas** Section 238 (2) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended states that every municipality and local board shall pass a procedural By-Law for governing the calling, place and the proceedings of meetings;

**And Whereas** Section 238 (2.1) of the *Municipal Act, 2001* S.O. 2001, c 25, as amended requires that the Procedural By-Law provides 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, and to repeal the previous By-Law 2018-004;

**Now Therefore** the Council of The Corporation of the Municipality of Brockton enacts as follows;

### Section 1: Definitions

For the purposes of this By-Law, the following definitions shall apply and have the following meanings:

- 1.1 “Abstain”**  
Shall mean a Member who is lawfully entitled to vote but chooses not to exercise their right to vote on a matter, and in such cases an abstention shall be deemed as a negative vote.
- 1.2 “Act”**  
Shall mean the *Municipal Act, 2001* S.O. 2001, c.25, as amended from time to time.
- 1.3 “Acting Chair”**  
Shall mean the Member who is temporarily appointed to serve in the Chair’s place.
- 1.4 “Acting Mayor”**  
Shall mean the Member of Council appointed by By-Law or Resolution under the Act, to act from time to time in the place and stead of the Mayor and Deputy Mayor.
- 1.5 “Ad Hoc Committee”**  
Shall mean a special purpose committee of limited duration, appointed by Council to consider a specific matter and which is dissolved automatically upon submitting its final report to Council, unless otherwise directed by Council.
- 1.6 “Agenda”**  
Shall mean the written Order of Business.
- 1.7 “Brockton”**  
Shall mean the Corporation of the Municipality of Brockton
- 1.8 “By-Law”**

Shall mean a local law that has been enacted by Council in order to exercise a power provided in the Act.

**1.9 “Chair” (“Presiding Officer”)**

Shall mean the member who presides at a Council or Committee meeting and may also be the Presiding Officer as defined below.

**1.10 “Chief Administrative Officer”**

Shall mean the Chief Administrative Officer or designate duly appointed by the Brockton as prescribed in Section 229 of the Act as defined above and designated by By-Law.

**1.11 “Clerk”**

Shall mean the Municipal Clerk or Deputy Clerk or designate duly appointed by the Brockton as prescribed in Section 228 of the Act as defined above and designated by By-Law.

**1.12 “Closed Session Meeting”**

Shall mean a meeting, or portion thereof, closed to the public in accordance with Section 239(2) of the Act and Section 2.24 of this By-Law.

**1.13 “Committee”**

Shall mean persons appointed by Council to a Brockton Committee or Local Board to review and report on an area of ongoing interest to the Municipality and that continues to do so for the Term of Council or on an indefinite basis according to the Terms of Reference; all members will be appointed by By-Law.

**1.14 “Communication”**

Shall include correspondence but is not limited to; letters, memos, notices, emails, faxes, petitions, brochures, newspaper/magazine articles etc.

**1.15 “Confirming By-Law”**

Shall mean a By-Law passed prior to adjournment of every Council meeting to confirm each report, Motion, resolution or other actions recorded by Council at its meetings.

**1.16 “Council”**

Shall mean the Council of the Corporation of the Municipality of Brockton consisting of the Mayor, Deputy Mayor and five Councillors.

**1.17 “Council Chambers”**

Shall mean the Bruce County Council Chambers located at 30 Park Street, Walkerton, Ontario.

**1.18 “Council Meetings”**

Shall include Regular, Special and Emergency Meetings of Council.

**1.19 “Councillor”**

Shall mean a person elected or lawfully appointed to the Council of the Corporation of the Municipality of Brockton, but does not include the Mayor or Deputy Mayor.

**1.20 “Debate”**

Shall mean discussion on the merits of a question/Motion and whether the proposed action should or should not be taken.

**1.21 “Delegation”**

Shall mean a person or group of persons who are not Members of Council or Brockton staff who have requested and are permitted to address Council or Committee, individually or on behalf of a group.

**1.22 “Deputy Mayor”**

Shall mean the Member of Council elected by general vote as the Deputy Mayor.

**1.23 “Emergency”**

Shall mean a situation that poses, in the opinion of Council, an immediate threat to the residents of Brockton.

- 1.24 “Ex-Officio”**  
Shall mean the Mayor who by virtue of office, shall be a member of all Committees and shall have the same rights and privileges as other members of the respective Committee, who is entitled to vote but does not form part of the quorum.
- 1.25 “External Committee/Board/Authority**  
Shall mean Members appointed by Council by By-Law to sit on various external Boards, Authorities, or Committees with a municipal interest. Appointment shall be for the term of Council unless the By-Law specifies a shorted time and where a re-appointment shall be made.
- 1.26 “Friendly Amendment”**  
Shall mean a proposal by a member to make an uncontroversial amendment to a Motion while not changing the general intent of the Motion.
- 1.27 “Intranet”**  
Shall mean a portion of Brockton’s Official Website that serves Council and employees only and is not exposed to, or is accessed by, the general public.
- 1.28 “Improper Conduct”**  
Shall mean conduct that obstructs in any way the deliberations and/or proper action of Committee or Council or contravenes any section of the Council Code of Conduct as may be amended.
- 1.29 “Improper Language”**  
Shall mean the use of profane, indecent or obscene language.
- 1.30 “Inaugural Meeting”**  
Shall mean the first meeting of a new Council after a regular election held in accordance with the Act and Procedural By-Law.
- 1.31 “Local Board”**  
Shall mean any board established by Council but does not include a school board, a conservation authority, public library board and police services board.
- 1.32 “Majority Vote”**  
Shall mean a vote where over half of the Members present, and eligible to vote, vote in the same manner.
- 1.33 “Mayor”**  
Shall mean the Member of Council elected by general vote as the Mayor and is Head of Council, the Ex-Officio and who normally presides at all Regular and Special Meetings of Council.
- 1.34 “Meeting Schedule”**  
Shall be deemed the Council schedule containing the meeting dates of Council and will include other reserved dates as specified.
- 1.35 “Member”**  
Shall mean a Member of Council, and its Committees, including Committee of the Whole and any Standing Committee, Ad Hoc Committee, or Local Board.
- 1.36 “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, and  
    (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.
- 1.37 “MFIPPA”**  
Shall mean the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56.

- 1.38 “Minutes”**  
Shall mean a record of the proceedings of a meeting, and shall be made by the Clerk without note or comment.
- 1.39 “Motion”**  
Shall mean a proposal or question considered by the Council or a Committee which is read, moved and seconded, and is subject to debate. When a Motion is passed it becomes a resolution.
- 1.40 “Motion to defer”**  
Shall mean a Motion to delay consideration of a matter until later in the same Meeting or to a future Meeting of Council or a Committee.
- 1.41 “Motion to receive”**  
Shall mean a Motion to acknowledge an item, report or recommendation under consideration and to have it placed in the records of Council with no additional action being taken.
- 1.42 “Motion to refer”**  
Shall mean a Motion to dispose of a question under consideration, with or without any proposed amendment, in order to seek consideration by, and, if deemed desirable, one or more reports from any Committee, body or official.
- 1.43 “Motion to table”**  
Shall mean a Motion to postpone without setting a definite date as to when the matter will be considered again.
- 1.44 “Conflict of Interest Act”**  
Shall mean the *Municipal Conflict of Interest Act*, R.S.O. 1990c. M.50
- 1.45 “Notice of Motion”**  
Shall mean a written notice of a Motion respecting a substantive matter not on the Agenda for a Meeting of Council which is received by the Clerk, for inclusion on the Agenda for a future Meeting of Council, unless notice thereof is waived pursuant to Section 3.17 of this By-Law.
- 1.46 “Official Website”**  
Shall mean the Brockton public and intranet based domain.
- 1.47 “Order of Business”**  
Shall mean the sequence of business under consideration at a meeting.
- 1.48 “Presiding Officer”**  
Shall have the meaning ascribed in Section 238(4) of the Act as shall be the Chair of the Meeting.
- 1.49 “Pecuniary Interest”**  
Shall mean a direct or indirect pecuniary (monetary) interest within the meaning of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended.
- 1.50 “Point of Order”**  
Shall mean any alleged breach of the rules or irregularity in the proceedings of a Meeting.
- 1.51 “Point of Privilege or Personal Privilege”**  
Shall mean a statement by a Member calling attention to a matter where the integrity of an individual (personal) or the entire Council or Committee is perceived to be in question.
- 1.52 “Public Information Session/Open House”**  
Shall be deemed a meeting held for the purpose of presenting proposals and issues, educating and informing and/or receiving input.
- 1.53 “Public Meeting (Statutory)”**  
Shall be deemed a meeting held for the purposes required under an Act or Regulation.



- 1.54 “Quorum”**  
Shall mean the number of Members required to be present in the meeting room, in order that business may be conducted.
- 1.55 “Recorded Vote”**  
Shall mean a written record of the name and vote of every Member on any matter or question conducted by the Clerk.
- 1.56 “Recording/Electronic Device”**  
Shall mean any device used for the purpose of recording or streaming whether it be analogue, digital or other means of recording, including but not limited to MP3 players, computers, cell phones, voice recorders, and cameras.
- 1.57 “Regular Meeting”**  
Shall mean a scheduled meeting held in accordance with Section 2.5 of this By-Law.
- 1.58 “Reports”**  
Shall mean a written document by a municipal employee, consultant, solicitor or other person for the purpose of providing advice, alternatives/recommendations on various matters.
- 1.59 “Resolution”**  
Shall mean a Motion that has been passed by Council.
- 1.60 “Rules of Procedure”**  
Shall mean the rules of procedure as set out in this By-Law.
- 1.61 “Secretary”**  
Shall mean the person appointed to record the proceedings of any Meeting constituted pursuant to this By-Law.
- 1.62 “Special Meeting”**  
Shall mean a meeting not scheduled in accordance with the approved Meeting Schedule for which notice has been given in accordance with this By-Law.
- 1.63 “Staff”**  
Shall mean employee(s) of Brockton.
- 1.64 “Substantive Motion”**  
Shall mean any Motion except a Motion to:
- (a) Table;
  - (b) Refer;
  - (c) Extend the meeting;
  - (d) Put the question;
  - (e) Rise and report;
  - (f) Change the order of business; or
  - (g) Adjourn.

## **Section 2: Calling of Meetings**

### **Application**

- 2.1** The rules of procedure set out in this By-Law shall govern all proceedings of Council and its Committees and all Ad Hoc Committees, and Local Boards and shall be the rules for the order and dispatch of business.

### **Inaugural Meeting**

- 2.2** The Inaugural Meeting of Council shall be held at 7:00 p.m. on the first Monday in December following a regular election.
- 2.3** The Mayor-elect and the Clerk shall be responsible for the content of the Agenda for the Inaugural Meeting and the arrangements for the Inaugural proceedings.

- 2.4** That prior to the commandment of the first meeting of the newly elected Council, the Clerk in consultation with the Mayor, shall establish the seating arrangement to be used for the Term of Council, or portion thereof.

#### **Council Meetings**

- 2.5** Each Regular Council Meeting shall be held in the Council Chambers, except as otherwise provided for in this By-Law, and shall be held in accordance with the Meeting Schedule of Council as prepared by the Clerk and adopted by resolution of Council. Council Meetings shall take place on the second and fourth Monday of each month, unless a Meeting falls on a Statutory Holiday or the non-statutory holiday of Easter Monday and when Canada Day is observed on a Monday, in such case it will be on the Tuesday immediately following the Statutory or other holiday. Council meetings will be held at 7:00 p.m.
- 2.6** In the event of a declared emergency by the Head of Council or any other Lead Agency in relation to a set of circumstances that meets the definition of “emergency” in the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, the Council shall be asked to meet at an identified location accessible by Members of Council.
- 2.7** Special Meetings of Council shall be held in the Municipal Office or any other location otherwise designated from time to time for such purposes. The location shall be identified in the notice of the meeting and/or on the meeting Agenda.

#### **Special Meetings**

- 2.8** A Special Meeting of Council may be called in the following circumstances:
- (a) The Head of Council may at any time call a Special Meeting by giving direction to the Clerk stating the date, time and purpose of the Special Meeting; or
  - (b) Upon receipt of a petition of the majority of the Members of Council, the Clerk shall call a Special Meeting for the purpose and the time mentioned in the petition.

#### **Special Council Agenda**

- 2.9** The Clerk, when it is reasonably possible, shall cause an Agenda to be prepared, in the following order, for the use of Members at Special Meetings of Council:
- (a) Call to Order
  - (b) Disclosure of Pecuniary Interest
  - (c) Delegations
  - (d) Consideration of business for which notice was given
  - (e) By-Laws
  - (f) Adjournment
- 2.10** No business may be transacted at a Special Meeting of Council other than that specified in the notice of the meeting or Agenda.
- 2.11** No Special Meeting shall be held unless and until every Member of Council shall be present or have had written or verbal notice of such meeting.

#### **Notice to Members**

- 2.12** The posting of the Agenda on the Official Website shall be considered as adequate notice of Regular Meetings of Council, except for Special Meetings held on a day or at a time other than on the approved Meeting schedule.
- 2.13** The Clerk shall endeavor to ensure that the Agenda for each Regular Meeting of Council will be made available no later than 4:00 p.m. on the Friday preceding a Regular Meeting.
- 2.14** The Clerk shall deliver notice of each Special Meeting of Council to each member personally or leave notice at his or her residence or place of business by telephone, facsimile or electronic mail at least twenty-four (24) hours before the time set for such Special Meeting. The notice shall specify the business to be transacted. An Agenda constitutes such notice.
- 2.15** Notice for Public Meetings shall be as prescribed.

- 2.16** In the case of an electronic system failure, or power interruption that hinders the posting of the Agenda, the Clerk or Deputy Clerk shall post the Agenda as soon as possible prior to the Meeting and or provide a paper copy as soon as possible prior to the Meeting. Council Members will be notified of such.
- 2.17** Notwithstanding any other provision of this By-Law, an Emergency Meeting may be held without written notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk or his/her designate to notify the Council about the Meeting as soon as possible and in the most expedient manner available.

#### **Notice to Media and Public**

- 2.18** The Clerk shall provide notice to the public and media of all Meetings by:
- (a) Posting the annual Meeting Schedule on Brockton's Official Website and by distributing copies upon request;
  - (b) Notice of Special Meetings will be provided according to Brockton's Notice By-Law.
  - (c) Posting the Agenda on Brockton's Official Website by 4:00 p.m. on the Friday preceding a Regular Meeting.
  - (d) Notice shall also be provided to the public by placing paper copies of the Agenda in the Council Chambers for every Meeting of Council. Attachments and Reports may be provided upon request, provided such request is in writing in advance, to the Clerk.

#### **Cancellation/Postponement**

- 2.19** Any meeting may be cancelled or rescheduled to a day, time and place set out in a written notice from the Clerk, sent to each member as provided for in Sections 2.12 or 2.14 at least twenty-four (24) hours before the scheduled date of the meeting and posted on the Official Website.
- 2.20** The Mayor may, in the case of severe inclement weather or like occurrence that will prevent the Members from attending a meeting, postpone that meeting by advising the Clerk, who shall advise as many Members as they are able to reach. Postponement shall not be for any longer than the next Regular Meeting of Council.
- 2.21** The Clerk shall provide notice of cancellation to Council, Staff, the press and all other interested parties a minimum of three (3) hours in advance of any Meeting or Information Session in the case of severe inclement weather.

#### **Failure to Meet Notice Provisions**

- 2.22** Lack of receipt of the notice shall not affect the validity of holding the meeting nor any action taken at the meeting.

#### **Meetings Open to the Public**

- 2.23** All Meetings shall be open to the public except as provided for in Section 2.24 below.

#### **Closed Session Meetings**

- 2.24** 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 the following categories as designated in Section 239(1) of the Act:
- (a) The security of property of the Brockton or Local Board;
  - (b) Personal matters about an identifiable individual, including Brockton or Local Board employees;
  - (c) A proposed or pending acquisition or disposition of land by Brockton or a Local Board;
  - (d) Labour relations or employee negotiations;
  - (e) Litigation or potential litigation including matters before administrative tribunals, affecting Brockton or a Local Board.

- (f) The receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) A matter in respect of which a Council, board, committee or other body may hold a closed meeting under another act.
- (h) 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;
- (i) 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 the contractual or other negotiations of a person, group or persons, or organization;
- (j) A trade secret or scientific, technical, commercial or financial information that belongs to Brockton or a Local Board and has monetary value or potential monetary value; or
- (k) 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 Brockton or a Local Board.

**2.25** A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,

- (a) A request under MFIPPA, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
- (b) An ongoing investigation respecting the municipality, a local board or a municipally- controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, R.S.O 1990, c. O6, an Ombudsman referred to in subsection 223.13 (1) of the Act or the investigator referred to in subsection 239.3(1) of the Act.

**2.26** 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; and
- (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 the council, local board or committee.

**2.27** The Chair of every Closed Session Meeting shall be the Mayor. In the absence or unavailability of the Mayor, the Chair shall be the Deputy Mayor. In the absence or unavailability of the Mayor or Deputy Mayor, the Council Appointee shall be the Acting Chair.

**2.28** The Clerk and/or Deputy-Clerk shall remain in the room for all Closed Session Meetings.

#### **Closed Session Meeting Resolution**

**2.29** Before holding a Meeting or part of a Meeting that is to be closed to the public, Council or Local Board or Committee or any of them shall state by public resolution:

- (a) The fact of holding the Closed Session;
- (b) The general nature of the matter to be considered;
- (c) The specific provision of the Act under which the Meeting in Closed Session is permitted; and
- (d) Where the purpose is for education or training that the Meeting is to be held in Closed Session pursuant to Section 239 (3.1) of the Act.

**2.30** The Clerk shall advise the Chair if, in his/her opinion, the issue being discussed at a Closed Session is not procedurally appropriate in accordance with the terms of the Act and in accordance with Section 2.24 of this By-Law.

- 2.31** Subject to the provisions of this section, Council may hear Delegations in Closed Session Meetings.

**Media and Public must leave Closed Session Meetings**

- 2.32** Upon passage of a Motion under Section 2.29, all members of the media and public shall be required to leave the room. The Clerk and/or Deputy Clerk shall remain, and any members of Staff or Brockton consultants who are required for the purpose of the deliberations, may be requested to remain.

**Open Votes**

- 2.33** A Meeting shall not be closed to the public during the taking of a vote.

**Closed Session Meeting Votes**

- 2.34** Despite Section 2.33, a Meeting may be closed to the public during a vote if the subject matter falls into a category where a Closed Session Meeting is allowed and:
- (a) Section 239(2) of the Act permits or requires a Meeting to be closed to the public; and
  - (b) The vote is for a procedural matter or for giving directions or instruction to officials, Staff or agents of Brockton, or Local Board or Committee or persons retained by or under contract with the Brockton.

**Record of Closed Session Meeting**

- 2.35** The Clerk shall prepare a record of each Closed Session Council Meeting held indicating:
- (a) The matter(s) discussed;
  - (b) The members in attendance;
  - (c) The disposition of the matter(s);
  - (d) The minutes are to be adopted at the next Closed Session Meeting.
- 2.36** Upon reconvening to open session, Council may confirm or report on matters from the Closed Session Meeting by way of a Motion.
- 2.37** Recording of a Closed Session Meeting is not permitted unless authorized by the Clerk and shall not be conducted in a manner that interferes with proceedings of the Meeting.

**Closed Session Meeting Items**

- 2.38** The Clerk shall be responsible for maintaining a confidential copy of all original documentation distributed, relating to Closed Session Meetings, and for keeping Confidential Minutes of all Closed Session Meetings.
- 2.39** The Clerk shall endeavor to ensure that the Agenda for each Closed Session Meeting of Council will be made available no later than 4:00 p.m. on the Friday preceding a regular meeting to Council and will be provided on the intranet or in another electronic and secure method. All items provided in hard copy shall be on purple paper and collected immediately following the meeting by the Chief Administrative Officer or Clerk.
- 2.40** Members shall ensure that confidential matters disclosed to them and all materials provided to them for Closed Session Meetings are kept confidential in accordance with the Code of Conduct. Members are encouraged not to save, print or retain any confidential material and all paper copies should be returned to the Clerk or Chief Administrative Officer for destruction.
- 2.41** Closed Session Meetings will not be recorded, streamed or otherwise communicated using a Recording/Electronic Device. Members of Council or others in attendance at a Closed Session Meeting may be required to close all laptops and remove all Recording/Electronic Devices from the room, at the discretion of the Mayor.
- 2.42** Notwithstanding the foregoing, the Clerk may use a Recording/Electronic Device to record the minutes of the Closed Session Meeting proceedings using a computer or other such Recording Device as deemed appropriate for the corporate files.
- 2.43** Any violation of this Section may be dealt with according to the procedures outlined in the "Council Code of Conduct".

### **Public Meetings, Hearings or Information Sessions**

- 2.44** Public Meetings held for the purpose of discussing planning matters and other matters described in any other applicable legislation will be held at 7:00 p.m. in accordance with the following provisions.
- 2.45** Council from time to time may conduct Public Meetings, Hearings or other Information Sessions for any purpose giving such notice as may be deemed necessary or required by legislation or Brockton's Notice By-Law currently in effect.
- 2.46** The Clerk shall endeavor to ensure that the Agenda for each public meeting will be made available no later than 4:00 p.m. on the Friday preceding a Regular Meeting on Brockton's Official Website.
- 2.47** Council shall consider planning applications at Council Meetings that shall be held in the Council Chambers or as provided in the Public Notice, except as otherwise provided for in this By-Law, and shall be held in accordance with the Meeting Schedule as prepared by the Clerk at 7:00 p.m. based on applications received unless it falls on a Statutory or other Holiday in such case it will be held on the immediately following Tuesday.
- 2.48** If Council holds a hearing or gives interested parties an opportunity to be heard, Council is not required to hold a second hearing.
- 2.49** Despite the paragraphs of 2.44, a Delegation may address Council on a Planning application without prior notice on issues designated as a public meeting under the *Planning Act*, R.S.O. 1990, c. P.13.
- 2.50** Members of the public attending a public meeting pursuant to this section, shall respect the decorum of Council and refrain from public outburst, shouting, or behaviour intended to disrupt the debate, discussion and/or general proceedings of the meeting. In addition signs, posters, etc. or any advertising devices shall not be permitted in the Council Chambers or any other location in which Council may conduct its business. The Mayor or Chair may request that a member or members of the public vacate the Council Chambers if their behaviour is deemed to be disruptive to the business at hand. The Mayor or Chair may unilaterally suspend the meeting until order is restored in the Council Chambers.
- 2.51** When the Council amends a proposed Zoning By-Law after the holding of a Public Meeting as required by the *Planning Act*, the Council shall immediately vote on the question of whether or not any further notice is to be given in respect of the proposed By-Law, as amended.
- 2.52** The question of whether any further notice is to be given shall be amendable and debatable.
- 2.53** The proposed Zoning By-Law, as amended, shall not be introduced and enacted until the question of whether any further notice is required to be given has been resolved.

### **Education and Training Sessions**

- 2.54** An Education and Training Session shall not be subject to the rules and regulations applicable to meetings contained in this By-Law.
- 2.55** The Council shall provide notice at a Council Meeting open to the public on the Agenda, that an informal gathering of its Members, or the Members of a Committee, to receive and discuss information or advice of a general nature involving subject matters of interest to the Members, shall take place at a time and place designated at that time by the Council.
- 2.56** The Council, in deciding to convene an Education and Training Session, shall designate the general purpose or purposes for which the session is to be held.
- 2.57** An Education and Training Session may be held at any place designated by the Council at the time at which it makes its decision to convene the session, whether or not within the boundaries of Brockton or any adjacent municipality.

- 2.58** All Members of Council respectively are entitled to attend the session, together with designated staff or consultants retained by Brockton, but the Council, in deciding to convene the session, may decide to exclude the public therefrom.
- 2.59** No Motion, resolution, By-Law, debate, agreement in principle, consensus, straw-vote, report, and recommendation or other action or decision may be proposed, discussed, decided upon, adopted, taken or made at an Education and Training Session.
- 2.60** The Clerk or designate shall take notes describing in general terms each subject matter dealt with at the Education and Training Session.
- 2.61** The notes taken pursuant to Section 2.60 shall, after the conclusion of the session, be maintained as a public record under the control of the Clerk.

### **Section 3: Roles**

#### **3.1 Role of Council**

It is the role of Council:

- (a) To represent the public and to consider the wellbeing and interest of Brockton;
- (b) To develop and evaluate the policies and programs of Brockton;
- (c) To determine which services Brockton will provide;
- (d) To ensure that administrative practices and procedures are in place to implement the decisions of Council;
- (e) To ensure the accountability and transparency of the operations of Brockton, including the activities of the senior management of Brockton;
- (f) To maintain the financial integrity of Brockton; and
- (g) To carry out the duties of Council under this or any other Act.
- (h) To direct staff, by majority vote, to perform such duties as is necessary to the efficient management of the affairs of the community.
- (i) To direct staff, by majority vote, to research such matters as the Council deems necessary.

#### **3.2 Individual Authority – not provided**

No individual Council Member may direct any Member of the Staff to perform a duty.

#### **3.3 Established Policies – Members – Respect**

Members of Council shall respect and adhere to the Policies set by the Council and will under no circumstances take it upon themselves, individually to circumvent established Policies.

#### **3.4 Council – Liaison – with Chief Administrative Officer**

Council Members will liaise primarily with the Chief Administrative Officer and Senior Managers as required.

#### **3.5 Information – by Staff – Members of Council**

Council Members may request information from members of staff who have been assigned the responsibility of providing information, such as meeting times, copies of documents, information of standard operating procedures.

#### **3.6 Questions – Operational Concerns – Complaints**

Questions or issues surrounding operational concerns, complaints or opportunities, excluding basic issues covered in the preceding paragraph shall be primarily directed to the Chief Administrative Officer, who will then direct the questions or issues to the appropriate Department Head.

### **3.7 Role of the Head of Council**

It is the role of the Head of Council:

- (a) To preside over Council meetings so that its business can be carried out efficiently and effectively;
- (b) To provide leadership to the Council;
- (c) Without limiting clause (b) to provide information and recommendations to Council with respect to the role of Council described in the previous sections;
- (d) To represent Brockton at official functions; and
- (e) To carry out the duties of the Head of Council under this or any other Act

### **3.8 Role of Chief Administrative Officer**

It is the role of the Chief Administrative Officer:

- (a) To exercise general control and management of the affairs of Brockton for the purpose of ensuring the efficient and effective operation of Brockton; and
- (b) To perform such other duties as assigned by Brockton.

### **3.9 Role of Clerk**

It is the role of the Clerk:

- (a) To record without note or comment, all resolutions, decisions and other proceedings of the Council;
- (b) If required by any Member present at a vote, to record the name and vote of every Member voting on any matter or question;
- (c) To keep the originals or copies of all By-Laws and of all minutes of the proceedings of the Council;
- (d) 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;
- (e) To perform any other duties required under the Act or under any other Act; and
- (f) To perform such other duties as are assigned by Brockton.

### **3.10 Role of Administration**

It is the role of the officers and employees of the municipality:

- (a) To implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- (b) To undertake research and provide advice to Council on the policies and programs of Brockton; and
- (c) To carry out other duties required under this or any act and other duties assigned by Brockton.

### **3.11 The Acting Head of Council**

In the case of the absence of the Head of Council or if he or she is absent through illness, or he or she refuses to act or his or her office is vacant, the Deputy Mayor shall act from time to time in the place and stead of the Head of Council and shall have all rights, powers and authority of the Head of Council, while so acting.



## **Section 4: Order of Business Council**

### **Council Meetings**

**4.1** The Council shall deal with matters in the following order, unless otherwise decided by the majority of the Members present

- (a) Call to Order and Acceptance of Agenda
- (b) Declaration of Pecuniary Interest and the General Nature Thereof
- (c) Public Meetings Required Under the Planning Act
- (d) Delegations
- (e) Adoption of the Minutes
- (f) Business Arising from the Minutes
- (g) Reports
- (h) Public Notification
- (i) Accounts
- (j) Correspondence Requiring Action
- (k) Information
- (l) Motions
- (m) By-Laws
- (n) Committee Minutes
- (o) New Business Brought Forward
- (p) Closed Session
- (q) Confirmation of Proceedings
- (r) Adjournment

### **Quorum**

**4.2** The majority of the Members shall constitute a quorum. Four (4) members must be present to form a quorum.

**4.3** If there is no quorum present within fifteen (15) minutes after the time fixed for holding the Meeting, the Clerk shall record the names of the Members present and the meeting shall immediately stand adjourned until the date of the next Regular Meeting or other meeting called in accordance with the provisions of this By-Law.

**4.4** If during the course of a Council meeting, a Quorum is lost, the Chair shall declare that the meeting shall stand recessed temporarily or be adjourned until the date of the next Regular Meeting or other meeting called in accordance with the provisions of this By-Law.

**4.5** In the case of the Presiding Officer not attending within fifteen (15) minutes after the hour fixed for holding the meeting, and provided that a quorum is present, the Acting Mayor or Acting Chair shall take the Chair and call the Members to order; and he or she shall preside until the arrival of the Presiding Officer.

**4.6** Where the number of members who, by reason of the provisions of the Conflict of Interest Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other Act, any number that is not less than one-third of the total number of the members of Council, committee or board shall be deemed to constitute a quorum, provided such number is not less than two (2).

**4.7** If members are not going to be in attendance or are going to be late for a meeting, they shall contact the office of the Clerk in advance of the meeting.

**4.8** To be considered as part of Quorum for a meeting the Council member must be physically present for the meeting.

### **Absenteeism or Leave of Absence**

**4.9** No member shall be absent from any Regular Council Meeting without endeavoring to provide substantive notice of such absence to the Head of Council or the Clerk at least 24 hours prior to commencement of the meeting from which the member shall be absent when possible.

**4.10** Where a member is absent from the Regular Meeting of Council for three (3) consecutive months without being authorized to do so by resolution of Council, that member seat shall be declared to be vacant in accordance with the provisions of Section 259 (1) of the Act,

unless one of the exceptions designated in Section 259 (1.1), (2), (3) apply. The procedure established in Section 263 (1) of the Act shall apply to any vacancy resulting from these enumerated exceptions.

#### **Revised Agenda or Addendum**

**4.11** After the posting of the Council Agenda, the Clerk may amend the Agenda by way of a revised Agenda or an Addendum by adding or deleting matters from the prepared Agenda in consultation with the Mayor and/or Chief Administrative Officer. In this case, the Clerk shall endeavor to forward additional Agenda material to the Members prior to the Meeting. The revised Agenda or Addendum will be posted prior to the meeting if possible and is not subject to the Notice requirements as set out in Section 2 of this By-Law.

#### **Delegations**

- 4.12**
- (a) Anyone wishing to appear before Council shall submit a request to the Clerk, on the prescribed form which is attached hereto as Schedule "A" no later than 1:00 p.m. in the afternoon on the Thursday prior to the meeting. The request to appear shall be in writing and shall state in detail the nature of the matter to be presented by the spokesperson. Staff are not required to submit such form for any person invited by staff to speak as a third party to any report or matter.
  - (b) 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 their Delegation may be accommodated on a first come first serve basis. A maximum of four (4) Delegations shall be allowed per meeting unless otherwise approved by the Mayor and/or the Chief Administrative Officer to deal with matters of an urgent nature. The Clerk, having due regard to the nature or number of the planning matter, may refrain from scheduling a Delegation if there are already planning matters scheduled for that meeting.
  - (c) No person other than the designated spokesperson may speak on the matter and not for more than ten (10) minutes, except that a Delegation consisting of three (3) or more persons who are present at the Meeting and wish to discuss the same issue may have more than one (1) speaker provided that the speaking time collectively does not exceed ten (10) minutes.
  - (d) Delegations shall not be permitted to appear before Council if the subject matter relates to:
    - A tender or request for proposal which is either proposed, pending, or actually before Council or a Committee of Council for its consideration;
    - Labour Relations;
    - Legal issues including litigation and potential litigation, and matter currently before the courts or administrative tribunal.
    - Insurance Claims; or
    - Contract negotiations.

- (e) Delegations will not be scheduled whose subject matter relates to private matters not common to all Members of Council. The subject matter of a delegation must be relevant to conducting the business of Brockton, promoting the work of partners of Brockton, work or events being undertaken by individuals or groups which benefit the community or topics of community interest. Political satire and criticism will not be permitted.
- (f) When it is deemed inappropriate that a delegation address Council, the Clerk shall so notify the delegation and Council with a supporting explanation. Such written explanation shall be delivered with the Agenda and the Council, if it so wishes to hear the delegation, shall by majority vote of the Council Members in attendance, introduce a motion to suspend the rules to allow the delegation to be heard.
- (g) Notwithstanding the foregoing, presentations such as consultants' reports or deputations, which are made at the request of Council or the Chief Administrative Officer (i.e. Engineers, Conservation Authorities) are not considered to be the same as Delegations and are not subject to the time limit.
- (h) The Clerk shall keep account of the time expended by Delegations and at the completion of the allotted time, the Mayor shall advise the individual to cease.
- (i) Delegations shall be advised of the time limitation in advance of the appearance.
- (j) All Delegations appearing before Council shall be permitted to speak only once on an item. Once discussion in respect of a Motion or resolution has commenced, no further presentation shall be made by the delegate or by any other person other than a Member of Council.
- (k) Municipal audio visual equipment may be used to assist in Delegations, provided that permission has been obtained for use of such equipment from the Clerk, or designate, at the time the Delegation contacts the Clerk's Department to register for the Meeting. Delegate presentations must be provided to the Clerk's Department no later than 1:00 p.m. the Thursday preceding the Meeting. Presentations will not be installed once the meeting has begun.
- (l) Members of Council shall only ask questions for clarification from delegates and shall not engage in any debate with delegates.
- (m) Any person may speak on the matter at a Meeting to which the public has been invited to make comment or has been given notice of the Meeting under the *Planning Act* or any other Act. The delegate shall not speak for more than five (5) minutes, but may have an opportunity speak more than once on the item.
- (n) Where there is no accompanying Staff report dealing with the specific subject of the Delegation, the Presiding Officer will make it clear to the group presenting that Council is receiving information at this time and that Council will not attempt to establish a position at this time on the subject matter of the Delegation, but the matter may be referred to Staff to report at a future meeting prior to taking a position.
- (o) A Delegation appearing before Council shall not be placed on an Agenda to discuss the same matter within six (6) months of the last appearance by the same delegate, unless otherwise approved by the Mayor and/or the Chief Administrative Officer.
- (p) Refusal of a request to appear as a Delegation may be appealed to the Mayor and by way of a resolution of the majority of Council the Delegation may be permitted to speak.
- (q) Council may refuse to hear Delegations when in the opinion of Council, the subject of the presentation is beyond the jurisdiction of municipalities.
- (r) Council may permit a Delegation not complying with the previous sections at the meeting if Council considers such Delegation to have an urgent or necessary matter

to bring forward that cannot wait until a subsequent meeting. The Mayor will announce the Delegation and matter for consideration and seek the consent of the majority of Council through a show of hands in order for the Delegation to proceed.

### **Behaviour**

#### **4.13** No delegate shall:

- (a) Speak disrespectfully of any person, Member or Staff;
- (b) Use offensive words or unparliamentary language;
- (c) Speak on any subject other than the subject for which he or she has received approval to address Council;
- (d) Disobey the rules of procedure or a decision of the Chair or Council; or
- (e) Shall not proceed beyond the speaker's podium during a Council Meeting.

### **Curtailment of Time**

#### **4.14** The Chair may curtail any Delegation, any questions of a delegate or debate during a Delegation for disorder or any other breach of this By- Law, if the Chair rules that the Delegation is concluded, the person or persons appearing shall withdraw.

### **Expulsion**

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

### **Communications to Council**

#### **4.16** Every letter, petition and other communication addressed to the Council shall be received by the Clerk who shall deal with them as follows:

- (a) Resolutions from other Municipalities shall be provided to Council as information items for consideration.
- (b) Every communication or petition intended for inclusion on the Agenda for Council must be legibly written, typed or printed and signed by at least one (1) person. The Clerk shall list within the Agenda only those communications and petitions received prior to one o'clock in the afternoon (1:00 p.m.) on the Thursday preceding the regular Council meeting unless deemed to be of an urgent nature. All communications or petitions received after one o'clock in the afternoon (1:00 p.m.) on the Thursday preceding the day of the Council meetings shall be held over for subsequent consideration by the Council or appropriate committee, board or commission.
- (c) Correspondence unsigned or containing obscene or defamatory language or impertinent or improper matter shall not be presented to Council.
- (d) Every communication, written or otherwise, addressed to Council and included on an Agenda for consideration in open session of Council or Committee thereof shall be deemed to be a communication in the public domain.
- (e) Correspondence, including emails, intended for Council and/or a Committee of Council is generally received as public information subject to MFIPPA. The Chief Administrative Officer and/or Clerk shall be advised of any confidential items, the general nature of the confidential item and will determine if the item meets identified criteria for confidential correspondence and whether it will be included within the public Agenda, circulated under separate cover or included on the Closed Session Meeting Agenda.

### **By-Laws**

- 4.17** (a) Every By-Law, when introduced, shall be in typewritten form and complete, and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any applicable legislation.
- (b) Every By-Law shall be given three readings prior to passage. All three readings may be passed under one Motion.
- (c) The first and second reading of a By-Law shall be decided without amendment or

debate.

- (d) After the first and second reading of a By-Law and prior to the third reading of the By-Law any member of Council may ask to debate the By-Law, and that the By-Law shall be discussed separately at the current meeting.
- (e) By-Laws may be given three (3) readings on the same day except when requested otherwise by Motion of the majority of members present or as otherwise provided in law.
- (f) Every By-Law enacted by Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and Mayor and shall be filed and referenced by the Clerk.
- (g) Any proposed By-Law may be referred to a Committee, Department Head or other officer for review and comment, including the Solicitor for Brockton.
- (h) All amendments to any By-Law approved by the Council shall be deemed to be incorporated into the By-Law and if the By-Law is enacted and passed by the Council, the amendments shall be inserted therein by the Clerk.

#### **Confirmation By-Law**

**4.19** There shall be enacted a By-Law at the end of each Council Meeting to confirm every decision of Council at the Meeting, except where the prior approval of the Ontario Municipal Board or any other body or agency is required.

#### **Notice of Motion**

- 4.20**
- (a) A Member may introduce a Notice of Motion at a Meeting regarding a matter that would not otherwise be considered by Council at such Meeting, by delivering a written copy of the Motion, signed by the mover and seconder, to the Clerk.
  - (b) The Clerk shall note the Notice of Motion described in the preceding paragraph on the Council Agenda for information only and it shall not be debated until the next regular Meeting of Council.
  - (c) The Motions received prior to 1:00 p.m. on the Thursday preceding the Meeting shall be included on the next Council Agenda for consideration and disposition.
  - (d) A Notice of Motion shall not be considered or otherwise disposed of by the Council unless the mover of the Motion is in attendance at the Meeting.
  - (e) A Notice of Motion can be considered in Closed Session if the subject matter meets the requirements of the Act and this Procedural By-Law.
  - (f) A Notice of Motion which contains unparliamentary, deprecating, abusive or inappropriate language will not be placed on the Agenda.
  - (g) Any motion may be introduced without notice if Council, without debate, dispenses with notice on the affirmative vote of at least a simple majority of the Member 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.

#### **New Business Brought Forward**

**4.21** This section shall contain items which a Member or Staff may introduce, which were not circulated with the Agenda and which, due to their nature cannot be properly presented at a subsequent Meeting of Council. Members may raise questions regarding matters that may be appropriate for staff comment in the form of immediate response or subsequent follow-up. This section shall also be used to report on recent conferences or meetings to be recorded in the minutes.

**4.22** Items of a minor operational nature that should be attended to by staff should be directed to the Chief Administrative Officer or appropriate Department Head on a regular basis, and not brought up at Council if not pertinent to the material advancement of Brockton.

### **Adjournment**

- 4.23** (a) No item of business shall be considered at a Meeting of Council after 11:00 p.m. local time, unless a majority of the Members present pass a resolution to extend the hour.
- (b) Unfinished business shall be adjourned to the next Regular Meeting.

### **Minutes of Council**

- 4.24** The minutes of each Council shall record:
- (a) The place, date and time of the Meeting;
- (b) The name of the Chair and the attendance of the Members Staff; and
- (c) Each item considered by Council and the decision of the Meeting without note or comment.
- (d) The results of a recorded vote.
- (e) The correction and adoption of the Minutes of prior meetings.
- (f) It shall be the duty of the Clerk to ensure that the Minutes of each Regular and Special Council Meeting are made available to each Member and senior Staff within a reasonable amount of time after the holding of such Meeting.

### **Administrative Authority of the Clerk**

- 4.25** 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 By-Law being signed.

### **Approval**

- 4.26** The Minutes of each Regular and Special Council Meeting shall be presented to Council for adoption at the next Regular Meeting.

## **Section 5: Conduct of Meetings**

- 5.1** The rules of procedure contained in this By-Law shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business for Brockton.

### **Duties of the Chair**

- 5.2** The Chair of every Council Meeting shall be the Mayor. In the absence or unavailability of the Mayor, the Chair shall be the Deputy Mayor. In the absence or unavailability of the Mayor or Deputy Mayor the Council appointee shall be the Acting Chair.
- 5.3** As soon as there is a quorum after the time set for the Meeting, the Mayor shall take the Chair and call the Members to order.
- 5.4** The Chair shall:
- (a) Maintain order and preserve decorum of the Meeting;
- (b) Rule on all procedural matters, without debate or comment;
- (c) Receive and submit to a vote all Motions presented by the Members that do not contravene the rules of procedure;
- (d) Decline to put to a vote Motions which do not comply with the rules of procedure, or which are not within the jurisdiction of Council;
- (e) Announce the results of the vote on any Motions presented for a vote;
- (f) Expel or exclude from any Meeting any person or Member whom the Chair feels has exhibited improper conduct at the Meeting;
- (g) Adjourn or suspend the Meeting if he or she considers it necessary because of grave disorder; and

- (h) Close the meeting when business is concluded or recess the Meeting as may be required.

**5.5** If a Member disagrees with the ruling of the Chair, he or she may appeal the ruling of the Chair immediately. The Chair, in response, shall call a vote on the question of sustaining the ruling of the Chair. The Chair may provide further explanation of the ruling prior to calling the vote.

**5.6** The Chair shall vote on all Motions.

**5.7** The Chair shall call a recess when required.

**5.8** The Chair may answer questions and comment in a general way, but the Mayor may leave the chair for the purpose of taking part in a debate or otherwise. The Mayor may first appoint a member of Council, who has not spoken to the question, to take the chair until the Mayor resumes the chair, after the question has been decided.

**5.9** The Chair and Clerk shall authenticate by signature all By-Laws and Minutes of the Council.

**5.10** The Chair shall ensure that all decisions of Council are in conformity with the laws and By-Laws governing the activities of Brockton.

#### **Duty of Members**

**5.11** It shall be the duty of Members to:

- (a) Make every effort to attend all Council Meetings;
- (b) Come prepared for Meetings by having read all the material supplied, including Meeting Agendas and Staff Reports to facilitate discussion and the determination of action at the Meeting, in advance of the Meeting;
- (c) Speak only to the subject under debate;
- (d) Vote on all Motions before Council unless prohibited from voting by law;
- (e) Observe the Rules of Procedure at all Meetings;
- (f) Work through the Chair at all Meetings;
- (g) Support Council by accurately communicating the decision of Council even if her or she disagrees with the majority decision;
- (h) Attend all Meetings of Committees and local boards to which the Member has been appointed by Council;
- (i) Carry out the duties set out in the Act and all other applicable statutes; and
- (j) Act in accordance with the Oath of Allegiance and Oath of Elected Office.

**5.12** Should any Councillor be unable to perform any of their duties for an extended period of time, the Councillor shall advise the Mayor forthwith, and in the case of the Mayor being unable to perform any of his/her duties for an extended period of time, the Mayor shall advise Council.

**5.13** Members shall abide by the Council Code of Conduct in representing Brockton.

#### **Conduct of Members**

**5.14** No member shall:

- (a) Use offensive words, inappropriate actions or unparliamentary language in or against Council or against any Member of Council or any Staff member or any member of the public, or act against the Council Code of Conduct.
- (b) Speak disrespectfully of any member of the Royal Family, the Governor General, the Lieutenant Governor, the Head of Government of Canada and the Province of Ontario, Council, any municipality, any Member or any official or employee of

Brockton;

- (c) Engage in private conversation while in the Council Meeting;
- (d) Leave his or her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
- (e) Speak on any subject other than the subject under debate;
- (f) Where a matter has been discussed in Closed Session, and where the matter remains confidential, disclose a confidential matter or the substance of deliberations at a Closed Session, except to the extent that Council has previously released or disclosed the matter in public;
- (g) Criticize any decision of Council except for the purpose of moving that the question be reconsidered.
- (h) Disobey the rules of Council or a decision of the Chair or of Council on questions of order or practice or upon the interpretation of the rules of Council. In case a Member persists in any such disobedience, after having been called to order by the Chair, the Chair shall not recognize that Member, except for the purpose of receiving an apology from the Member tendered at that Meeting or any subsequent Meeting;

#### **Use of Recording/Electronic Device**

- 5.15** The use of cellular phones, pagers and other electronic devices, with the exception of laptops or computers, or assistive devices required by persons with disabilities or emergency response pagers, by members of staff during Meetings is discouraged. With the exception of assistive devices required by persons with disabilities or emergency response pagers, electronic devices shall be turned off during the Meeting or otherwise set so as not to emit any audible sound and their use shall be limited so as not to distract in any way from the business of the Meeting. In the event that the Chair determines that the use of an electronic device does distract from the business of a Meeting, he/she may direct the Member in question to turn off or cease the use of such electronic device.
- 5.16** In the case where any Member should breach such rules as outlined in the Procedural By-Law, the Member may be ordered by the Chair, to refrain from any further comment. In the event such Member continues to commit a breach of protocol, he/she will be asked to leave their seat for that Meeting. No Member shall be permitted to retake their seat at any Meeting after being ordered by the Chair to vacate for committing a breach of any rule or order of the Council, without making an apology and receiving the consent of Council, expressed by a majority of the Members present determined without debate. The Mayor may direct the Clerk to seek the appropriate assistance from the local police service where required for infractions under this section.

#### **Suspension of Procedural Requirements**

- 5.17** Any procedure required in this By-Law may be suspended at any time with consent of a 2/3 majority of the member of Council present at a Meeting.

#### **Rules of Order**

- 5.18** In all circumstances in the proceedings of Council or its Committees not provided for in this By-Law, resort shall be had to Robert's Rules of Order, 11<sup>th</sup> Edition, as a rule for guidance on the question, and in such cases, the decision of the Chair shall be final and binding without debate.
- 5.19** In the event of conflict between the provisions of this Procedural By-Law and relevant legislation, the provision of the legislation shall prevail.

#### **Disclosures of Pecuniary Interest and Nature Thereof**

- 5.20** Where a Member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest and general nature thereof, direct or indirect, in any matter and is present at a Meeting at which the matter is the subject of consideration, the Member shall, in accordance with the Conflict of Interest Act.



- (a) Prior to the Meeting where the matter will be considered, or as soon as possible after the Meeting, provide the Clerk with a written statement of the interest and its general nature.
- (b) Prior to any consideration of the matter at the Meeting, disclose the Member's interest and the general nature thereof; and
- (c) Not take part in the discussion of, or vote on any question in respect of the matter; and
- (d) Not attempt in any way whether before, during or after the Meeting to influence the voting on the matter.

**5.21** Where a Meeting is not open to the public, in addition to complying with the requirement set out in 5.20 above, the Member shall forthwith leave the Meeting or the part of the Meeting during which the matter is under consideration.

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

**5.23** The Clerk shall record the particulars of any disclosure of pecuniary interest and general nature thereof made by a Member, and this record shall appear in the minutes of that Meeting.

**5.24** The Clerk shall establish and maintain a registry of each written statement declaring a conflict of interest and each declaration made pursuant to s. 5.20(b). The Clerk shall make the registry available for public viewing at the Municipal Office during regular business hours.

## **Section 6: Rules of Debate**

**6.1** To address Council, a Member shall request to speak by raising their hand and when so recognized by the Chair shall speak.

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

**6.3** When a Motion is presented, it shall be read by the Mayor or the Clerk, before debating.

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

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

**6.6** No Member shall speak for longer than five (5) minutes on a question without Council's permission.

**6.7** No Member shall speak more than twice to the same question without the Chair's permission, except that a reply shall be permitted only from a Member who has presented the main Motion.

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

**6.9** Subject to being overruled by Council on a vote which shall be taken immediately and without debate, the Chair shall rule on the point.

**6.10** Any Member may challenge the ruling of the Chair immediately following the ruling.

**6.11** The Chair's ruling is final unless it is challenged.

**6.12** Council's decision is final if the Chair is challenged.

## **Section 7: Motions**

### **Must be Seconded**

**7.1** A Motion shall be moved and seconded before the Chair shall put the question and the Motion is recorded in the Minutes of the Meeting.

**7.2** A Friendly Amendment may be proposed by a member providing it is uncontroversial and does not change the proposed intent of the Motion and all members agree by a show of hands. A friendly amendment shall not be recorded in the minutes.

### **Mover and Seconded May Vote in Opposition**

**7.3** A Member may move a Motion in order to initiate discussion and debate and that Member may vote in opposition to the Motion. A seconder of a Motion may vote against the Motion.

### **Withdrawal of Motion**

**7.4** After a Motion is moved and seconded at a Meeting, it may not be withdrawn without the consent of the mover and seconder.

### **Ultra Vires**

**7.5** A Motion in respect of a matter which is ultra vires of the jurisdiction of Council shall not be in order.

## **Section 8: Specific Motions**

### **Motion to Adjourn**

**8.1** A Motion to adjourn a Meeting is not debatable and shall always be in order except when:

- (a) Another Member is in possession of the floor;
- (b) A vote has been called;
- (c) Members are voting; or
- (d) A Member has indicated to the Chair his or her desire to speak on the matter before the Meeting.

**8.2** A Motion to adjourn shall take precedence over any other Motion and shall be put immediately without debate.

### **Motion to Recess**

**8.3** A motion to recess when other business is before the meeting shall specify the length of time of the recess.

**8.4** A motion to recess when other business is before the meeting shall not be debatable and shall only be amendable with respect to the length of the recess.

### **Motion to Table**

**8.5** A Motion to Table shall be debatable and not amendable, and may be reconsidered, and shall apply to the Motion and any amendments under debate when the Motion to Table is made.

**8.6** If the Motion to Table carries, in the absence of any direction from Council, the matter may not be discussed until the Clerk or a Member through a Motion of Motion, brings it forward to a subsequent Meeting.

### **Motion to Defer**

**8.7** A Motion to Defer or any amendment to it is debatable and shall include:

- (a) The time period within which consideration of the matter is to be deferred; and
- (b) Whatever explanation is necessary to demonstrate the purpose of the Motion to Defer.

### **Motion to Refer**

**8.8** A Motion to Refer or any amendment to it is debatable and shall include:

- (a) The name of the Committee or official to whom the Motion or amendment is to be referred; and
- (b) The terms upon which it is to be referred and the time or period, if any, on or within which the matter is to be returned.

### **Motion to Amend**

#### **8.9 A Motion to amend:**

- (a) Shall be open to debate and shall be relevant to the main Motion; and
- (b) Shall not propose a direct negative to the main Motion.
- (c) Only one Motion to amend to Motion shall be on the floor at any one time.

**8.10** After the Motion to amend has been voted on, the main Motion (as amended) shall, if no other amendment is proposed, be put to a vote.

### **Motion to Reconsider**

#### **8.11 Reconsideration of a Matter**

After Council determines the final outcome of a matter, such matter shall not be reconsidered within six (6) months unless there is a Motion, which has been seconded, to reconsider the matter and it carries by a majority vote of the Members present.

#### **8.12 Amend Something Previously Adopted or Rescind**

A motion to reconsider any matter already disposed of by the current Council at a previous meeting shall require a two-thirds (2/3) vote at a future meeting.

#### **8.13 Member – on prevailing side – moves to reconsider**

A motion to reconsider can be made only by a Member who voted with the prevailing side or a Member who did not vote.

#### **8.14 Motion to reconsider adopted**

If a motion to reconsider has been adopted, it temporarily nullifies the previous decision and places the meeting back at the point prior to taking the vote on the original motion.

#### **8.15 Adoption of motion – for reconsideration**

If a motion to reconsider has been adopted at a meeting, then consideration of the original matter shall become the next order of business.

#### **8.16 Motion to reconsider – becomes main motion**

The main motion originally voted on is once again pending; procedurally, it is considered a newly made main motion.

#### **8.17 No discussion – unless reconsideration adopted**

There shall be no discussion on the main question permitted until the motion for reconsideration is adopted.

## **Section 9: Voting**

### **Order of Votes**

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

- (a) Motion to waive or suspend the rules of procedure;
- (b) Motion to adjourn;
- (c) Motion to receive an item;
- (d) Motion to table an item;
- (e) Motion to defer;
- (f) Motion to refer;
- (g) Motion to amend; and
- (h) Main Motion.

### **Members Must Vote**

**9.2** Every Member present at a Meeting where a question is put shall vote on the question, unless the Member has a pecuniary interest, direct or indirect, in which case the Clerk shall so record. The Chair may not move or second any Motion. The Chair shall vote on a Motion but shall not have a second or casting vote in the event of an equality of votes on any

Motion.

### **Actions During Votes**

**9.3** When the Chair calls for the vote on a question:

- (a) Each Member shall occupy his or her seat and shall remain in place until the result of the vote has been declared by the Chair; and
- (b) During this time no Member shall walk across the room or make any other Motion or speak to the question or any other Member or may any noise or disturbance.

### **Split Votes**

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

**9.5** A vote on the main Motion, as amended, may be split for the purpose of complying with the Conflict of Interest Act

### **Failure to Vote Deemed Negative**

**9.6** If any Member present does not vote at a Meeting of the Council where a question is put and a recorded vote is taken, he or she shall be deemed to vote in the negative except where the Member is prohibited from voting by statute.

### **Majority Vote**

**9.7** All decisions of the Meeting shall require a majority vote except as otherwise set out in this By-Law or legislation.

### **Tie Vote**

**9.8** Any Motion that receives a tie vote shall be deemed to have been decided in the negative.

### **Method of Voting**

**9.9** A Member shall vote by raising a hand or otherwise indicating the Member's vote, except where a recorded vote is requested. The Chair shall announce the result of all votes taken.

### **Recorded Vote**

**9.10** A request by a Member for a recorded vote shall be made prior to the commencement of the vote being taken or immediately thereafter.

**9.11** Where a vote is to be taken for any purpose, a Member may request that the vote be recorded immediately before or after the taking of the vote, but prior to any consideration of another matter of Council, and each Member present, except a Member who is disqualified from voting by statute, shall announce their vote openly and any failure to vote by a Member who is not disqualified, shall be deemed to be a negative vote. Members shall vote at the call of the Clerk by surname, in alphabetical order. The Mayor shall always vote last. The Clerk shall record each member's vote as having voted "YES" or "NO" and each members surname shall be recorded in the minutes.

**9.12** The Clerk shall announce the results of the recorded vote.

## **Section 10: General Committees**

**10.1** Council may create Committees. Each Committee shall be given a clear mandate and well defined Terms of Reference, approved by Council, which will include among other things, the composition, reporting relationship and resources available to the committee.

**10.2** All Committees created by Council shall conduct their meetings in accordance with the procedures set forth herein, unless a separate Rules of Procedure has been established

**10.3** It shall be the responsibility of all Committees of Council:

- (a) To take into consideration during deliberations and any resulting recommendations the municipality's policies and budget;
- (b) To consider and report on all matters referred to it by Council;
- (c) To provide a forum for public input;
- (d) To promote accountability.

- 10.4** All individuals appointed to any Committee by By-Law shall be governed by and abide by the Council Code of Conduct and the Conflict of Interest Act.

### **Section 11: Ad-Hoc Committees**

- 11.1** Ad-Hoc Committees may be established by Council to consider a specific matter of municipal concern.
- 11.2** When an Ad-Hoc Committee is established by Council, the members need not be members of Council and shall be confirmed by resolution or By-Law of Council prior to final approval.
- 11.3** A Chair, Vice Chair and Recording Secretary shall be appointed from amongst the Committee members.
- 11.4** Reports of the Committee Meeting shall be circulated to Council on an ongoing basis, and once this task has been completed they will present a final report to Council.
- 11.5** When an Ad-Hoc Committee has made final report and completed its work, the Committee shall be deemed to be dissolved, unless otherwise determined by Council.

#### **Duties of the Ad-Hoc Committee Chair**

- 11.6** The Chair shall preside over the conduct of the Meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the Meetings; subject to an appeal by any Member to the Committee or Council of any ruling of the Chair.
- 11.7** If the Chair desires to leave the Chair for the purpose of taking part in the debate or otherwise, they shall call on the Vice Chair, or in the absence of the Vice Chair on another Member, to fill their place until resuming the Chair.
- 11.8** When two or more Members wish to speak, the Chair shall name the Member who, in their opinion, should speak first.

### **Section 12: Appointments of Members to Brockton Committees and Local Boards**

- 12.1** Council may from time to time, appoint certain Council Members, ratepayers, Staff or professionals etc. to serve on Committees to deal with the specific issues, and report to Council.
- 12.2** The Council Member appointed as a liaison for Committee is required to attend Meetings, take part in Committee and sub-committee Meetings, and report to Council.
- 12.3** At the start of every new Term of Council, The Mayor in consultation with elected Council Members, shall determine and appoint individual Council Members to sit on various Committees as a representative of Council. The appointments shall be endorsed by By-Law.
- 12.4** A By-Law establishing all Committees and outlining the duties, responsibility and mandate of the Committee shall be passed by Council.
- 12.5** Each Committee shall consist of not less than three (3) Members, except where otherwise provided in the Committee Terms of Reference.
- 12.6** The Mayor or designate shall be an ex-officio member of every Committee, in addition to the appointed Members, however the Mayor or designate does not count for quorum (is not counted in determining the number required for quorum or whether a quorum is present at the Meeting).
- 12.7** In the event of a Council vacancy occurring in the office of the Member of the Committee during the term of Council, Council shall appoint a substitute member to the Committee for the remainder of the term.
- 12.8** The Chairperson and Members of each Committee shall hold office until their successors

are appointed.

- 12.9** It shall be the responsibility of the Staff person appointed to each Committee
- (a) To advertise any vacant at large positions for a minimum of one (1) week in the local newspapers and on the Brockton website. All names received will be presented to Council for consideration unless otherwise specified in the Terms of Reference passed by By-Law for the Committee.
  - (b) To advise by correspondence associations or organizations to submit two (2) representative names for Council's consideration. It is at Council's discretion to accept or reject any recommendation.
- 12.10** Citizen appointments to Committees of Council shall be selected by Council and all appointments to Committees for at large positions, association or organizational representatives shall be enacted by By-Law unless otherwise stated in the Terms of Reference for the Committee
- 12.11** A quorum in any Committee is the majority of the voting members of the Committee.
- 12.12** A Committee of Council shall meet at the summons of its chairperson, or at such predetermined time as determined by the accepted practice of that Committee.
- 12.13** The chairperson of the Committee may, at their discretion, refer a matter of urgent nature to Council which due to the time element cannot be properly presented to the next regular Meeting of a Committee.
- 12.14** The Committee chairperson shall be entitled to vote at Meetings as a member of such Committee but shall not have a second or casting vote in the event of an equality of votes on any question.
- 12.15** The Committee chairperson or in their absence, the vice-chairperson, shall act as spokesperson for the Committee at Council and other appropriate meetings.
- 12.16** The Clerk shall be the Secretary of all the Committees of Council but those duties may be assigned to another Staff member or a member of the Committee as outlined in the Terms of Reference.
- 12.17** Members of Council may attend Meetings of any Committee of which they are not a member but shall not have the privilege of voting or addressing the Committee, without the consent of the Committee members.
- 12.18** All Committees, recognized as a Committee of Council shall conduct their Meetings in accordance with the adopted Terms of Reference and this Procedural By-Law.
- 12.19** A Committee or Committee member, which refuses or neglects to give due consideration to any matter assigned to it or before it, may by resolution of Council be discharged of such responsibilities.
- 12.20** All Committees are subject to the control and direction of Council, and all Corporate Policies conditional on compliance with the provisions of other statutes or regulations of the Province of Ontario or the Dominion of Canada.
- 12.21** A copy of all typewritten approved minutes of each Committee will be presented to Council at the Council Meeting following the Committee Meeting.

### **Section 13: Appointments of Members to External Committees, Boards, and Authorities**

- 13.1** Council may from time to time, appoint certain Council Members, ratepayers, Staff or professionals etc. to serve on an External Committee/Board/Authority to deal with the specific issues, and report to Council.
- 13.2** In the event of a Council vacancy occurring in the office of the Member of the External Committee/Board/Authority during the term of Council, Council shall appoint a substitute member to the External Committee/Board/Authority for the remainder of the term.

- 13.3** The Chairperson and Members of each Committee/Board/Authority shall hold office until their successors are appointed.
- 13.4** Citizen appointments to Committee/Board/Authority shall be selected by Council and all appointments to Committee/Board/Authority for at large positions, association or organizational representatives shall be enacted by By-Law unless otherwise stated in the Terms of Reference for the Committee/Board/Authority.
- 13.5** A Committee/Board/Authority shall meet at the summons of its chairperson, or at such predetermined time as determined by the accepted practice of that Committee/Board/Authority.
- 13.6** A copy of all typewritten minutes of each Committee/Board/Authority received will be presented to Council on the Council Agenda.

#### **Section 14: Video Equipment and Recording Devices**

- 14.1** The use of cameras, electric lighting equipment, television cameras and any other device of mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by accredited and other representatives of any news media is permitted with advance notice and approval from the Clerk, Head of Council or Chair of the Committee as the case may be;
- 14.2** Should the recording interfere with the proceedings of the Council Meeting, the recording privileges may be withdrawn. The ruling of the Chair shall be final unless appealed to the Council which shall decide upon the question without debate.
- 14.3** At Meetings of Council, the use of camera, electric lighting equipment, flash bulbs Recording/Electronic Devices and any other device of a mechanical, electronic or similar nature used for transcribing or recording the proceeding by auditory or visual means by any person other than approved media or the recording secretary of the Meeting, including but not limited to members of the public is prohibited unless authorized in advance by the Clerk or the Head of Council.
- 14.4** 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.

#### **Section 15: Review of Council Code of Conduct**

- 15.1** Members of Council shall review the Council Code of Conduct within the first six (6) months of the first year of each term of Council.
- 15.2** Council shall at all times abide by and govern themselves in accordance with the Council Code of Conduct.

#### **Section 16: Gender and Number**

**16.1 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.

#### **Section 17: Severability**

- 17.1** Each and every one of the provisions of this By-Law is severable and if any provisions of this By-Law should, for any reason, be declared invalid by any Court, it is the intention and desire of Council that each and every one of the then remaining provisions hereof shall remain in full force and effect.

**Section 18: Conflict**

**18.1** If there is any conflict between this By-Law and any statute, the provisions of the statute shall prevail.

**Section 19: Effective Date**

**19.1** This By-Law shall come into full force and effect upon its final passage.

**Section 20: Repeal**

**20.1** By-Law 2018-004 passed by the Municipality of Brockton on the 8<sup>th</sup> day of January, 2018 and all adhering amendments made thereto, be and the same are hereby repealed.

**Section 21: Amendment - Procedure**

**21.1 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.

**Section 22: Title**

**22.1** This By-Law may be cited as the “Brockton Procedural By-Law”.

**Read, Enacted, Signed and Sealed this \_\_\_\_ day of \_\_\_\_\_, 2018.**

\_\_\_\_\_  
Mayor – Chris Peabody

\_\_\_\_\_  
Clerk – Fiona Hamilton