



**The Corporation of the Municipality of Brighton**

## **Procedural By-Law**

**By-Law 009-2016 as amended**

**Created February 16, 2016**

**Amending By-law 123-2017 December 11, 2017**

**This By-Law replaces:**

By-Law 118-2015

By-Law 097-2013

By-Law 018-2013

By-Law 065-2011

By-Law 035-2011

By-Law 084-2010

By-Law 014-2009

By-Law 448-2007

By-Law 071-2002

By-Law 872-1995

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## **The Corporation of the Municipality of Brighton**

### **By-Law No. 009-2016**

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#### **Being a By-Law to Provide Rules Governing the Calling, Place and Proceedings of Meetings of the Municipality of Brighton Council**

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**Whereas** Section 238 (2) of the Municipal Act, 2001, S.O. 2001. c. 25 requires that every municipality shall pass a Procedure By-law for governing the calling, place and proceedings of meetings;

**Now, therefore,** the Municipal Council of the Corporation of the Municipality of Brighton **enacts as follows:**

#### **PART 1 – Definitions**

1.1 For purposes of this By-law, the following definitions shall apply:

1. "Abstain" shall mean a member who is lawfully entitled to vote but chooses not to exercise their right to vote on a matter. When a member abstains from a vote without declaring a pecuniary interest they will be counted as opposed to the motion.
2. "Agenda" shall mean the order of proceedings for a meeting setting out the business to be considered at the meeting.
3. "Chair" shall mean the Mayor, Deputy Mayor, Committee Chair while they are presiding at a meeting or such other person as may be authorized to preside in their absence.
4. "Chief Administrative Officer" shall mean the Council appointed Chief Administrative Officer for the Municipality of Brighton who shall be responsible for exercising general control and management of the affairs of the Municipality for the purpose of ensuring the efficient and effective operation of the Corporation of the Municipality of Brighton, as referred to in Section 229 of the Municipal Act, 2001.
5. "Clerk or Municipal Clerk" shall mean the Municipal Clerk or Deputy Clerk of the Corporation of the Municipality of Brighton as appointed by Council who shall have the powers and duties of the Clerk under the Section 228 of the Municipal Act, 2001, Municipal Elections Act 1996 and every other Act and to record and maintain Council resolutions, decision, minutes, by-laws and proceedings of the Council.
6. "Closed Session" shall mean a meeting of Council from which members of the public shall be excluded, and shall be held in accordance with the provisions of the Municipal Act and this By-law.
7. "Committee of the Whole" shall mean Council sitting as a committee where:
  - a) Members consider and debate matters in an environment that procedurally is more relaxed than the formal portion of a Council Meeting; and
  - b) Substantive motions adopted therein are not deemed to represent the final decision of Council until confirmed by by-law.
8. "Committee" shall mean a Committee of Council, an advisory committee or other ad hoc committee, subcommittee or similar entity established by Council.
9. "Council" shall mean the elected and sworn in Members of the Municipal Council of the Corporation of the Municipality of Brighton.
10. "Councillor" shall mean an elected and sworn in Member of the Municipal Council of the Corporation of the Municipality of Brighton.

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11. "Delegation" shall mean a ten (10) minute address to Council or a Committee at the written request on the prescribed form of a person or persons wishing to speak who are not Members of Council or Municipal employees.
12. "Deputy Mayor" shall mean the Member of Council appointed by Council by by-law to act from time to time in the place and stead of the Mayor when the Mayor is absent or refuses to act or when the Office of Mayor is vacant.
13. "Director" shall mean the Director of Finance and Administrative Services, and the Director of Parks and Recreation.
14. "Emergency" shall mean matters deemed to be of an urgent/emergency nature, that impact the health, safety, well-being of the community or that need to be addressed due to extraordinary circumstances.
15. "Head of Council" shall mean the Mayor who shall preside at all meetings of the Council (unless absent or refuses to act).
16. "Inaugural Meeting" shall mean the Council's first meeting after a regular election.
17. "Mayor" shall mean the Head of Council of the Corporation of the Municipality of Brighton.
18. "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.
19. "Member" shall mean the Mayor or a Councillor of the Corporation of the Municipality of Brighton.
20. "Motion" shall mean a proposal for a specific action moved by a Member of Council or Committee and marks the beginning of consideration of a subject to deal with a matter before Council or a Committee.
21. "Newspaper" shall mean a printed publication in sheet form, intended for general circulation in the Municipality of Brighton, published regularly at intervals of no longer than one week, consisting in great part of news of current events of general interest.
22. "Notice of Motion" shall mean an advance notice to members of a matter which Council will be asked to take a position.
23. "Officer" shall mean any salaried Officer, Clerk or worker in the employ of the Corporation of the Municipality of Brighton.
24. "Point of Order" shall mean a question by a Member calling attention to the presiding officer and the Member that a rule has been broken or an error in procedure has been made and to ask that the rules be followed or the error corrected.
25. "Point of Personal Privilege" shall mean a question by a Member who is concerned and believes that another Member has spoken disrespectfully towards that Member, or who considers that the Member's integrity has been impugned (discredited).
26. "Point of Privilege" shall mean a question by a Member to the Presiding Officer and the Members that a privilege affecting the rights and immunities of the Council collectively or the position and conduct of Members as elected representatives is being affected adversely and to request that action be taken to rectify the situation.
27. "Point of Procedure" shall mean a question by a Member to obtain information on a matter of parliamentary procedure where the rules of the Council bearing on the business at hand require clarification in order

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to assist a Member to make an appropriate motion, raise a point of order, or understand the parliamentary situation or the effect of a motion.

28. "Presentation" shall mean a ceremonial presentation to or from the Municipality of Brighton, or an address or presentation to Council or a Committee at the request of Council, Committee or municipal employees.
29. "Presiding Officer" shall mean the Mayor or Deputy Mayor, or Chair of a Meeting.
30. "Quorum" shall mean the minimum number of voting members required to be present to legally conduct business in the name of the Council or Committee. In the Municipality of Brighton, quorum shall mean a majority (more than half) of whole number of members of Council (7) if all in attendance; or a Committee except where a Member has, or Members have declared a pecuniary (financial) interest pursuant to the Municipal Conflict of Interest Act.
31. "Recorded Vote" shall mean the recording by the Clerk of the name and the vote of each Member present at a meeting on a motion during a meeting when requested by a Council Member.
32. "Resolution" shall mean the decision of Council on any motion.
33. "Rules" shall mean the rules of procedure and order as set out in this By-law.
34. "Secretary" shall mean the recording secretary for a Council, Committee of the Whole or other Committee or Local Board meeting being the Municipal Clerk, Deputy Clerk or designated Committee Secretary responsible for preparing agendas and taking minutes of the proceedings of Council or a Committee in accordance with the Municipality of Brighton Advisory Committee and Local Board Policy and Procedures.
35. "Sub-Committee" shall mean a committee consisting of a least three (3) Members of a committee establishing the sub-committee, to consider one or more matters raised by the committee or local board and referred to the subcommittee.
36. "Substantive Motion" shall mean any motion except a motion to:
  - a) recess;
  - b) defer;
  - c) refer;
  - d) extend the meeting;
  - e) put the question;
  - f) enter into Committee of the Whole;
  - g) rise and report;
  - h) change the order of business; or
  - i) adjourn.

### **Part 2 – Effect**

- 2.1** Except as otherwise provided in this By-law, the provisions of this By-law shall be observed in all proceedings of Council and by its Members, and shall constitute the rules for the order and dispatch of business by Council and its Members.

### **Part 3 – Duty of Members**

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

It is the role of Council to:

- a) represent the public and to consider the well-being and interests of the Municipality;

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- b) develop and evaluate the policies and programs of the Municipality;
- c) determine which services the Municipality shall provide;
- d) ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- e) ensure accountability and transparency of the operations of the Municipality, including the activities of senior management of the Municipality;
- f) maintain the financial integrity of the Municipality; and
- g) carry out the duties of Council as set out in the Municipal and other Acts.

### **3.2 Role of Mayor**

- 1) It is the role of the Mayor to:
  - a) act as chief executive officer of the Municipality;
  - b) preside over Council meetings so that its business can be carried out efficiently and effectively;
  - c) provide leadership to Council;
  - d) provide information and recommendations to Council with respect to the role of Council;
  - e) represent the Municipality at official functions;
  - f) carry out the duties of the Mayor under this By-law, the Municipal Act and all other applicable Acts.
- 2) As chief executive officer, the Mayor shall:
  - a) uphold and promote the purposes of the Municipality;
  - b) promote public involvement in the Municipality's activities;
  - c) act as representative of the Municipality both within and outside the Municipality, and promote the Municipality locally, nationally and internationally; and
  - d) participate in and foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents.

### **3.3 Role of Deputy Mayor if appointed**

- 1) The Deputy Mayor shall act in the place of the Mayor when the Mayor is absent or refuses to act or the office is vacant, and while so acting the Deputy Mayor shall have all the powers and duties of the Mayor.

### **3.4 Duty of Members**

It shall be the duty of Members to:

- a) attend all Council Meetings; prepare for meetings, including reviewing meeting agendas and background information prior to the meeting;
  - b) speak to only the subject under debate;
  - c) vote on all motions before Council unless prohibited from voting by law;
  - d) observe the Rules at all meetings;
  - e) work through the Presiding Officer at meetings;
  - f) support Council;
  - g) attend meetings of committees and local boards to which the Member has been appointed by Council;
  - h) carry out the duties set out in the Municipal Act and all other applicable statutes; and
  - i) act in accordance with their Declaration of Office.
- 2) No Member shall divulge any information to any person that pertains to any aspect of any discussion or direction of Council that was given or provided at a Closed Session of Council.

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- 3) Should any Councillor be unable to perform any of their duties for an extended period of time, the Councillor shall advise the Mayor forthwith. 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.

**Part 4 – Council Meetings**

**4.1 Meeting Place**

- 1) Council Meetings shall be held in the Council Chambers located at 35 Alice Street, Brighton that have been prepared for such purpose. Despite the foregoing, the Mayor may authorize a special Council Meeting to be held at a location other than the Council Chambers.
- 2) Where the Council Chambers are not available for a meeting due to an unforeseen circumstance or due to renovation or similar impediment, the Mayor shall designate another location that is accessible to the public for purposes of holding Council Meetings.

**4.2 Seating at Council Meetings**

- 1) The Mayor shall assign Councillors seats for Council Meetings, and Members shall assume assigned seats for all Council Meetings.
- 2) The Mayor may change the seating order at any time.

**4.3 Inaugural Meeting of Council**

- 1) The Inaugural Meeting of Council shall be held commencing at 6:30 p.m. on the first Monday in December of an election year.
- 2) At the Inaugural Meeting, Members shall take the Oath of Allegiance and the Oath of Elected Office.

**4.4 Regular Council Meetings**

- 1) Regular Council Meetings shall be held on the first and the third Mondays of each month, except that only one regular Council meeting shall be held in July and August on the third Monday of each month.
- 2) 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 public or civic holiday.
- 3) Regular Council Meetings shall commence at 6:30 p.m. except as may be otherwise authorized by the Mayor.
- 4) Where a conflict between the scheduled date or time of a Regular Council Meeting and another event of significance arises, the Mayor may cancel the Council Meeting or reschedule the meeting to a different date or time of commencement.

**4.5 Special Council Meetings**

- 1) Special Council Meetings may be held from time to time and may be initiated by:
  - a) the Mayor; or
  - b) a petition of the majority of the Members.
- 2) The date, time of commencement and place of a Special Council Meeting shall be set by the Mayor or by petition of the majority of the Members.
- 3) No business except the business dealing directly with the items listed on the meeting agenda shall be transacted at a Special Council Meeting.

**4.6 Council Planning Meetings**

- 1) Council Planning Meetings shall be held on the second Monday of each month.



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- 2) When the day for a Planning 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 public or civic holiday.
- 3) Planning Council Meetings shall commence at 6:30 p.m. except as may be otherwise authorized by the Mayor.
- 4) No business except the business dealing directly with the items listed on the meeting agenda shall be transacted at a Council Planning Meeting.

### **4.7 Closed Sessions: *From the Municipal Act, Section 239.1 to 239.9***

- 1) **Meetings open to public** – Except as provided in this section, all meeting shall be open to the public.
- 2) **Exceptions** – A meeting or part of a meeting may be closed to the public if the subject matter being considered is:
  - a) The security of the property of the municipality or local board;
  - b) Personal matters about an identifiable individual, including municipal or local board employees;
  - c) A proposed or pending acquisition or disposition of land by the municipality or local board;
  - d) Labour relations or employee negotiations;
  - e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - f) 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 of persons, or organization;
  - j) A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
  - k) A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- 3) **Other criteria** – A meeting shall be closed to the public 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 the head of an institution for the purposes of that Act.
  - (3.1) **Educational or training sessions** – 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:
    - 1) The meeting is held for the purpose of educating or training the members.
    - 2) 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.

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- 4) **Resolution** – Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution,
  - (a) The fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
  - (b) In the case of a meeting under subsection (3.1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection.
- 5) **Open meeting** – Subject to subsection (6), a meeting shall not be closed to the public during the taking of a vote.
- 6) **Exception** – Despite section 244, a meeting may be closed to the public during a vote if,
  - (a) Subsection (2) or (3) permits or requires the meeting to be closed to the public; and
  - (b) The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.
- 7) **Record of meeting** – A municipality or local board or a committee of either of them shall record without note or comment all resolutions, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not.
- 8) **Same** – The record required by subsection (7) shall be made by,
  - (a) The clerk, in the case of a meeting of council; or
  - (b) The appropriate officer, in the case of a meeting of a local board or committee.
- 9) **Record may be disclosed** – Clause 6(1)(b) of the *Municipal Freedom of Information and Protection of Privacy Act* does not apply to a record of a meeting closed under subsection (3.1)

### **4.8 Meeting Agendas**

- 1) The Clerk shall prepare a meeting agenda for each Council Meeting:
  - a) in the case of a Regular Council Meeting, no less than 72 hours prior to such meeting; and
  - b) in the case of Special Council Meetings, no less than 48 hours before the hour appointed for the holding of such meeting.
- 2) As soon as possible after a meeting agenda has been prepared, with the exception of agendas for Closed Sessions, the Clerk shall make the meeting agenda available to the public, and shall:
  - a) maintain copies of the meeting agenda in the Clerk's office for use by the public; and
  - b) post the meeting agenda on the Municipality's web site.

### **4.9 Meeting Minutes**

- 1) The Clerk shall prepare and maintain minutes of all Council Meetings, to include:
  - a) the place, date and time of the Council Meeting;
  - b) the beginning and ending time of meetings;
  - c) the names of Presiding Officer and Members of Council and record of attendance of the Members;
  - d) the names of Officers present;
  - e) any disclosure of pecuniary interest declared by any Member;

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- f) a record of each item before Council for consideration;
  - g) all motions and disposition of each on each item;
  - h) the names of delegations appearing before Council; and
  - i) all other proceedings of the Council Meeting without note or comment.
- 2) The Clerk shall maintain a record of all minutes of Council Meetings in the Clerk's office that shall be signed by the Mayor and the Clerk upon approval of the same by Council, which, with the exception of minutes of Closed Sessions, shall be posted on the Municipality's website and available for public viewing.

### **Part 5 – General Meeting Procedures**

#### **5.1 Open Meetings**

Except as authorized under this By-law and the Municipal Act, all Council Meetings shall be open to the public.

#### **5.2 Quorum**

- 1) A majority of the whole number of the Members required to constitute Council is necessary to form a quorum, except as may otherwise be authorized pursuant to the provisions of the Municipal Conflict of Interest Act.
- 2) If no quorum is present within one half hour after the time appointed for a Council Meeting, the Clerk shall record the names of the Members present and the meeting shall stand adjourned until the date of the next such regular meeting.

#### **5.3 Committee of the Whole**

- 1) Committee of the Whole shall be comprised of all members of Council who can participate in debate and pass recommendations, which are then referred to Council for consideration.
- 2) The Deputy Mayor, if appointed, shall chair the Committee of the Whole meetings for the municipality.
- 3) Where there is no Deputy Mayor appointed, Council shall elect a chair as the first order of business.
- 4) A meeting of Council may be held, at the discretion of the Mayor, in Committee of the Whole and Council may, by resolution, move into Committee of the Whole at any point during a Council meeting.
- 5) All meetings of Committee of the Whole shall be open to the public, except that Committee of the Whole may hold a Closed Session or move into an Closed Session to deal with matters that qualify for consideration at a closed meeting as set out in Part 4.6 of this By-law.
- 6) The rules governing the Council as set out in Parts 3, 4, 5, 6, 7 and 8 shall be observed at the meetings of Committee of the Whole, insofar as they are applicable, except that:
  - a) a motion shall not be required to be in writing; and
  - b) there shall be no recorded vote.

#### **5.4 Presiding Officer**

- 1) Except as otherwise provided in this By-law, the Mayor shall preside at all Council Meetings.
- 2) If the Mayor is absent from a meeting of the Council, the Deputy Mayor shall preside for the meeting or until the arrival of the Mayor.
- 3) The Mayor may designate the Deputy Mayor to Chair during any part of a meeting of the Council when he or she leaves the chair for any reason.
- 4) While presiding the Deputy Mayor shall have all the powers of the Mayor with respect to chairing the meeting.

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- 5) In the absence of the Mayor and a Deputy Mayor, the Members present shall elect a Chair for the meeting.

**Part 6 – Order of Procedure for Regular and Special Council Meetings**

**6.1 Order of Business**

- 1) The Clerk shall cause to be prepared for Regular and Special Council Meetings a meeting agenda that shall conform to the following order of business:
  1. Call to Order
  2. Approval of the Agenda
  3. Disclosure of Pecuniary Interest and the general nature thereof
  4. Announcements
  5. Adoption of Minutes
  6. Statutory Public Meetings
  7. Delegations
  8. Citizen Comments
  9. Staff Reports
  10. Notice of Motions & Motions
  11. Unfinished Business
  12. By-Laws
  13. Advisory Committees of Council
  14. Statutory Committees, Boards & Outside Agencies
  15. Correspondence
  16. FYI Correspondence
  17. Question Period – regarding items on the agenda
  18. Closed Session as required
  19. Confirmatory By-law
  20. Motion to Adjourn
- 2) The Clerk shall cause to be prepared for Council Planning Meetings a meeting agenda that shall conform the following order of business:
  1. Call to order
  2. Approval of Agenda
  3. Disclosure of Pecuniary Interest and the general nature thereof
  4. Citizen Comments
  5. Delegations
  6. Statutory Public Meetings
  7. Planning Issues and Consents
  8. Unfinished Business
  9. By-laws
  10. Question Period
  11. Closed session as required
  12. Confirmatory By-law
  13. Adjournment
- 3) Council may, at any point within a Council Meeting, adopt a motion to go into Closed Session to consider matters in accordance with the provisions of Part 4.7 of this By-law.
- 4) Council shall dispense with the business of Council in the order by which it is presented in the meeting agenda, but Council may by consent change the order of business.

**6.2 Addendum Items**

- 1) Additions to the agenda during a meeting of the Council may only be for matters of an urgent nature.
- 2) Additions to the agenda during a meeting of the Council may be permitted on the affirmative of a 2/3 majority vote of the members present.

**6.3 Communications and Petitions**

- 1) Every communication and petition to be presented to the Council shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk. The Clerk shall not accept any correspondence or petition that contains any obscene or improper language, as determined by the Clerk in consultation with the Mayor.
- 2) Every communication and petition shall be received by the Clerk no later than 12:00 noon three full working days preceding a meeting of Council.
- 3) Any communication received from municipalities and local boards outside of the Municipality of Brighton requesting endorsement or consideration of a resolution shall:
  - a) be circulated to each member of the Council, Directors and Chief Administrative Officer;
  - b) be placed on the agenda for a meeting of the council or committee, only at the request of a member of the Council, Director or the Chief Administrative Officer.

**6.4 Disclosure of Pecuniary Interest**

- 1) A member shall disclose a conflict of interest in accordance with the Municipal Conflict of Interest Act and
  - shall, prior to any consideration of the matter at a meeting, disclose the interest and the general nature thereof by way of a written statement after the Member has disclosed a pecuniary interest;
  - shall not take part in the discussion of, or vote on any motion in respect of the matter; and
  - shall not attempt in any way whether before, during or after the meeting to influence the voting on any such motion.
- 2) If the conflict under subsection (1) above is with respect to an item on a Closed Session agenda, in addition to complying with the requirements of subsection (1) above, the member shall forthwith leave the Closed Session or that part of the Closed Session during which the matter is under consideration.
- 3) Where the interest of a member has not been disclosed as required by subsection (1) above, by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) above at the first meeting of the council attended by the member after the meeting referred to in subsection (1) above.

**Requirement to Establish Registry**

- 4) The Municipal Clerk shall establish and maintain a registry in which shall be kept;
  - a) a copy of each Declaration of Pecuniary Interest Form statement filed and signed by a Member;
  - b) every declaration of interest and the general nature thereof made under Section 5 of the *Municipal Conflict of Interest Act*, shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the Municipal Clerk of the municipality or Secretary of the committee or local board, as the case may be.

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- 5) The registry shall be available for public inspection upon request to the Municipal Clerk.

### **6.5 Announcements**

- 1) A Member may verbally introduce information respecting special events, meetings, declarations or proclamations that are considered to be of general interest to the community.

### **6.6 Public Meetings**

- 1) Where Council is required by law to hold a public meeting, or otherwise has resolved to hold a public meeting, such a meeting may be conducted at a Regular, Special or Planning meeting of Council or Standing Committee Meeting.
- 2) The Clerk shall ensure that public meetings are incorporated in the meeting agenda. Delegations as appropriate to address any requirements of law as may apply.
- 3) During a public meeting, any person wishing to address Council may come forward when prompted by the Presiding Officer, and such person shall address Council according to the same rules as apply to delegations appearing before Council under this By-law, except that prior notice of one's desire to speak shall not be required; and a motion need not be considered by Council following each presentation but a motion to receive all delegations at the public meeting may be made in one motion.

### **6.7 Adoption of Minutes**

- 1) Council shall approve the minutes of previous Council Meetings by resolution at the next regular meeting.
- 2) Where any Member identifies an error in the minutes of a previous Council Meeting, the Member shall so advise Council and direct the Clerk to correct the minutes prior to approval, and the Clerk shall so note such change in the minutes.

### **6.8 Public Question Period**

- 1) Any member of the public or press present at the meeting may rise and submit a question to Council or Committee of the Whole on any item listed on the agenda without providing prior notice.
- 2) A maximum of ten (10) minutes will be set aside for "Question Period" unless a decision is made by Council or Committee of the Whole to extend this time period.
- 3) Members of the public are to phrase their comments in the form of a question and are not to use the opportunity for the sole purpose of expressing editorial commentary.
- 4) Council will hear the question and answer if appropriate.
- 5) Council or Committee of the Whole will not direct an undertaking by staff on any matter coming from Question Period.
- 6) Prior to the commencement of "Question Period" portion of the meeting the Chair of Council or Committee of the Whole will outline the rules of procedure with respect to Question Period, in a form and substance that summarizes the points outlined in this section of the By-law.
- 7) No person speaking during Public Question Period shall:
  - a) Speak disrespectfully of any person;
  - b) Use offensive words or unparliamentarily language;

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- c) Disobey the rules of order or a decision of the Chair.

### **6.9 Delegations**

- 1) For matters which are more properly within the responsibility of Municipal Staff, the Clerk shall notify the proposed delegate that the Delegation shall not be listed on the agenda, and shall direct the proposed delegate to the appropriate Municipal Department. The delegate shall not be listed on an agenda for Delegation until Staff has had the opportunity to address the matter.
- 2) Every request to be a delegation shall be received in writing by the Clerk no later than 12:00 noon, three full working days prior to the meeting, and shall include the complete name, address, telephone number, and/or email address, of the person requesting the opportunity to be a delegation, as well as the reasons for the delegation, and, if applicable, the name, address and telephone number of any person, corporation or organization represented.
- 3) The Municipal Clerk shall be authorized to refuse an Open Delegation request where the topic of the Open Delegation relates to a subject matter that Section 239 of the Municipal Act, 2001, permits a meeting or part of a meeting to be closed to the public, promotes a specific business, is not of community interest or may impugn the reputation of any individual or member.
- 4) Notwithstanding the provisions related to the timing of submissions of Open Delegation and the authority to refuse an Open Delegation related to a subject matter that Section 239 of the Municipal Act permits a meeting or part of a meeting to be closed to the public (closed delegation), an individual may submit a request to the Clerk for an opportunity to provide information to Council in a meeting or portion of a meeting that is closed to the public. Such request must be submitted within the 6.9(2). The decision to hear from an individual regarding a matter in a closed session, shall be subject to the topic adhering to the criteria for a closed meeting under Section 239 of the Municipal Act, 2001.
- 5) An Open Delegation shall be restricted to a single subject matter.
- 6) A maximum of four (4) delegations will be permitted at each meeting.
- 7) A person shall only be entitled to appear as a delegation, a maximum of one (1) time every four (4) months.
- 8) Delegations are not permitted to address Council on a matter upon which Council has already made a decision or direction within the last 12 months, unless Council has decided to reconsider the matter.
- 9)
  - a) A delegation wishing to address an item already on the agenda for a meeting shall be listed with reference to the item on the agenda, and such requests for delegation shall be accepted by the Clerk until the agenda for that meeting has been finalized for printing purposes.
  - b) In the event that a request for delegation wishing to address an item already on the agenda is received after the agenda has been finalized for printing purposes, the Clerk shall make note of the request and advise the Presiding Officer.
- 10) Where notice has been published under the Notice provisions of the Municipal Act and in accordance with this by-law, the delegations section of the agenda for that meeting shall indicate that delegations may be heard and any person present may speak on the matter.

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- 11) a) A delegation regarding a matter for which there is no staff report on the agenda for that meeting shall be received **without comment by members on the subject and the matter shall be referred to staff for a report, unless there is a majority vote to simply "receive" the delegation.**
  - b) The appropriate Director or his/her designate shall notify the delegation of the meeting at which the staff report referenced in subsection (a) above is to be considered so that the delegation may attend and be given the opportunity to request to be a delegation at the meeting when the item will be discussed.
- 12) Where a particular matter is expected to generate a large number of delegations (namely, ten (10) delegations or more), the Council or Committee may pass a resolution to hold a special meeting in order to afford all delegations an opportunity to address the Council or Committee.
- 13) The priority in which delegations are listed on the agenda shall be in accordance with the following:
  - a) delegations arranged for in accordance with this subsection, in the order in which written notice was received by the Clerk;
  - b) such other order as may be determined by the Clerk in order to facilitate the efficient management of the matters to be heard.
- 8) No person presenting a delegation shall:
  - a) speak disrespectfully of any person;
  - b) use offensive words or unparliamentarily language;
  - c) speak on any subject other than the subject for which he received approval to address; or
  - d) disobey the rules of order or a decision of the Chair.
- 9) a) A person representing a delegation shall be limited to speaking not more than ten (10) minutes.
  - b) Notwithstanding subsection (a) above, if a speaker has not completed the presentation within the time allotted, the Presiding Officer, or any member through the Chair, shall determine if the extension shall be allowed by immediate vote in which case the time shall be extended for such reasonable time as the Presiding Officer and members may so determine.
- 10) After a delegation has completed the presentation, members shall each have the opportunity to ask questions of the delegation for clarification purposes only, and without debate. When all members who have indicated a desire to ask questions have been given the opportunity to do so, the delegation shall withdraw from the place designated to make submissions before any debate on the subject of the delegation begins.
- 11) The Chair shall curtail any delegation, any questions of a delegation or debate during a delegation, for disorder or for any other breach of this Procedure By-law and, should the Chair rule that the delegation is concluded, the delegation shall withdraw immediately from the place designated to make submissions as specifically directed by the Chair.
- 12) **Delegations on planning matters**

The following persons may not appear as a delegation before Council or Planning:

  - Person requesting consideration of a matter that is before the Planning Committee for an Official Plan amendment application, Zoning By-law amendment application, Draft Plan of Subdivision Application, or Consent Application prior to the date of a scheduled hearing; and



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- Persons requesting consideration of a matter upon which the Planning Department has held its scheduled hearing but Council has not yet resolved the recommendation of the planner.

### **6.10 Citizen Comments**

Citizen Comments:

1. Any member of the public in attendance may rise and submit comments or ideas to Council or Committee of the Whole on any matter that is within the responsibility of the Municipality without the provision of notice.
2. A maximum of fifteen (15) minutes will be set aside for Citizen Comments unless a decision is made by Council or Committee of the Whole to extend this time period.
3. Any individual who wishes to speak during Citizen Comments must complete the appropriate yellow Citizen Comment Form, and deposit it in the appropriately marked tray within ten (10) minutes of the start of the meeting, including their name and address. Forms not completed with this information will not be accepted.
4. The Chair will decide on the order of comments to be made, and the appropriateness of the comments. Any comments deemed to be, vexatious, repetitive, or inappropriate by the chair will not be recognized or permitted to be put forward.
5. Any individual speaking will have a maximum of three (3) minutes to make their comments, and may only speak during Citizen Comment once at any meeting.
6. Comments will be received by Council or Committee of the Whole without comment or debate unless the Chair requests clarification or further information from the individual addressing Council.
7. No person making a Citizen Comment shall:
  - a) Speak disrespectfully of any person;
  - b) Use offensive words or unparliamentarily language;
  - c) Disobey the rules of order or a decision of the Chair.
8. Council or Committee of the Whole will not direct an undertaking by staff on any matter coming from Citizen Comments, and all speakers heard during the Citizen Comment portion of the meeting will be received by a single motion following the last speaker.
9. Prior to the commencement of Citizen Comment portion of the meeting the Chair will outline the rules of procedure with respect to Citizen Comments, in a form and substance that summarizes the points outlined in the Procedural Bylaw.

### **6.11 Notice of Motions**

- 1) Notice of all new motions shall be given in writing on the prescribed motion form, signed by the mover and seconder, and delivered to the Clerk prior to noon of the Wednesday preceding the date of the Council meeting. Notice of Motions shall not be before Council for the purpose of discussion or debate until the next regular meeting of Council.
- 2) A Notice of Motion not placed on the agenda in advance as provided under clause 6.11(1) may be introduced in writing on the prescribed form, signed by the mover and seconder, at a meeting of Council provided it has the consent of at least two-thirds of the members present.
- 3) Where notice of motion has been given under clause 6.11(1), the motion shall be printed in the agenda of the next regular meeting of Council.

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- 4) Where a Member's notice of motion has been called by the Mayor at the subsequent meeting and not proceeded with, it shall be dropped from the agenda unless Council decides otherwise.
- 5) Where Council has determined not to drop a notice of motion from the agenda, and at the second meeting such notice of motion is called by the Mayor and not proceeded with, it shall be deemed to have been withdrawn.
- 6) A motion may be introduced at a meeting without notice for matters deemed to be of an urgent nature, if Council, without debate, dispenses with notice on the affirmative of 2/3 majority vote of the members present and voting.

### **6.12 Committee Reports**

- 1) Under Committee Reports Council shall consider the reports of the Committees containing recommendations on all matters within the Committees' jurisdiction.
- 2) The record of the proceedings of Committees shall contain:
  - a) the place, date and time of the Meeting;
  - b) the beginning and ending time of meetings;
  - c) the names of Presiding Officer and Members of the Committee and record of attendance of the Members;
  - d) the names of any Members of Council present who are not Members of the Committee;
  - e) the names of Officers present;
  - f) any disclosure of pecuniary interest declared by any Member;
  - g) a record of each item before the Committee for consideration;
  - h) all motions and disposition of each on each item;
  - i) the names of delegations appearing before Committee; and
  - j) all other proceedings of the Committee Meeting.
- 3) Reports of each committee and the recommendations contained therein shall be adopted by a separate motion.
- 4) Any member may, before a motion dealing with a Committee Report is voted on, request that one or more motions within that Report be separated, and voted upon separately from the motion on the Report.
- 5) In the event that a member discloses a pecuniary interest on a motion item that is included in the Committee Report that motion shall be removed and dealt with separately and in the order in which the item appears on the agenda.

### **6.13 By-laws**

- 1) Under By-laws, the meeting agenda shall list all proposed by-laws to be placed before Council for consideration.
- 2) By-laws may be given first, second and third readings in a single motion.

### **6.14 Confirmatory By-law**

Council shall adopt a confirmatory by-law respecting the actions taken by Council with respect to each report, motion, resolution or other action taken by Council at a Council Meeting, and such by-law may be given three readings by one motion that is not amendable or debatable.

### **6.15 Adjournment**

- 1) Council Meetings shall not extend beyond 3 hours unless otherwise determined by a minimum two-thirds majority vote of the Members present

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that the meeting shall continue to a specified time or to the natural conclusion.

- 2) Any further extensions of time beyond the time determined in section (1) shall be in half hour increments and shall require a unanimous vote of the Members present at the meeting.
- 3) Committee meeting shall adjourn after three hours unless there is a motion to extend the time, carried by a two-thirds majority vote.
- 4) In the instance of a grave disorder arising during a Council Meeting, the Mayor may call a recess for a specified period of time, or adjourn the meeting.

### **PART 7 – Rules of Procedure for Closed Sessions**

#### **7.1 Meeting Agenda for Closed Sessions**

- 1) For any meeting at which there are items to be considered in a Closed Session, the agenda for that meeting shall identify the subsection(s) of the *Municipal Act, 2001* or other applicable legislation, which authorizes each item to be considered at the Closed Session.
- 2) The Clerk shall prepare an agenda for the Closed Session which shall include a list of items to be considered and shall identify the subsection of the *Municipal Act, 2001* or other applicable legislation, which authorizes each item to be considered at the Closed Session.
- 3) The Clerk shall circulate the Closed Session agenda to all members of the Council and to such staff as directed by the Chief Administrative Officer.
- 4) No item may be added to an agenda for a Closed Session without the prior approval of the CAO.
- 5) The Clerk shall prepare for the use of the Members at Closed Sessions an agenda that shall conform to the following order of procedure:
  - a) Call to Order
  - b) Disclosure of Pecuniary Interest
  - c) Questions regarding Closed Session Minutes of previous Council Meeting
  - d) Questions regarding Closed Session Minutes of previous Committee meetings
  - e) Motions to provide Direction
  - f) Reports
  - g) Motion to return to open session
- 6) Where Council elects to go into a Closed Session in the midst of a Regular or Special Council Meeting, the order of business shall be as follows:
  - a) Motion to go into Closed Session
  - b) Disclosure of Pecuniary Interest
  - c) Items for Consideration
  - d) Motion to return to open session

#### **7.2 Disclosure of Pecuniary Interest at Closed Sessions**

Any Member shall, prior to any consideration of any matter at a Closed Session, disclose any pecuniary interest and the general nature thereof in accordance with the *Municipal Conflict of Interest Act* to ensure compliance to the legislation. (in accordance to Section 6.4 of this procedural by-law 009-2016).

### **7.3 Procedures for Closed Sessions**

- 1) The rules governing the procedure of Council and the conduct of Members shall be observed in Closed Session.
- 2) No matter shall be discussed at a Closed Session that is not listed on the agenda and is not consistent with the motion to go into Closed Session, which was adopted during the opening procedure.
- 3) a) If a matter arises in a Closed Session that a Member feels is not appropriate to consider in Closed Session, the Member shall be provided the opportunity to explain his/her reasons and to persuade Council to have the matter discussed in an open Council Meeting.  
b) Where, following such endeavour the majority of Council believes the matter is to be considered in Closed Session, the Member may withdraw from the meeting room during consideration of the matter, and the Clerk shall so note in the minutes.
- 4) Once in a Closed Session, no item may be added to the agenda for that Closed Session.
- 5) A meeting shall not be closed to the public during the taking of a vote except for a procedure matter or for giving directions or instructions to officers, employees or agents of the Municipality or persons retained by or under contract with the Municipality.

### **7.4 Closed Session Minutes**

Minutes shall be kept of all Closed Sessions, identifying the members present and absent, the Officers present, in the same fashion as those kept for open sessions and shall correspond directly to the prepared Closed Session agenda and shall identify any added items and shall note any direction or instructions given, and shall record any motions providing direction or instructions as all direction or instructions must be done by motion.

### **7.5 Closed Session Confidentiality**

- 1) No member of the Council shall distribute any reports or items, or disclose the nature or content of discussions regarding any matters that are part of a Closed Session agenda without the prior approval of the Council or Committee.
- 2) The Clerk shall be responsible to maintain a confidential copy of all agendas and minutes of Closed Session.

## **PART 8 – Rules of Procedure for Council Meetings**

### **8.1 Duties of the Presiding Officer**

- 1) It shall be the duty of the Presiding Officer to:
  - a) ensure that a quorum is established and maintained throughout the course of the meeting;
  - b) open the meeting by taking the Chair and calling the Members to order;
  - c) announce the business before Council in the order in which it is to be acted upon;
  - d) receive and submit, in the proper manner, all motions presented by the Members;
  - e) put to a vote all motions which are duly moved, or arise in the course of proceedings, and to announce the result;
  - f) decline to put to a vote all motions that infringe upon the Rules;

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- g) restrain the Members, within the Rules, when engaged in debate;
- h) enforce on all occasions the observance of order and decorum among the Members;
- i) order any Member persisting in breach of the Rules to vacate the meeting place in accordance with the Rules;
- j) receive all messages and other communications and announce them to the Council;
- k) authenticate, by signature when necessary, all by-laws, resolutions, and minutes of Council;
- l) inform Council, when necessary or when referred to for that purpose, of a ruling on a point of order or a point of personal privilege;
- m) represent and support Council declaring its will, and implicitly obeying its decisions in all things;
- n) ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of Council;
- o) recess the meeting where necessary in accordance with the Rules;
- p) call for adjournment of the meeting when the business is concluded; and
- q) adjourn the meeting without question, or suspend the meeting to a time to be named, in the case of a grave disorder.

### **8.2 Rules of Decorum**

- 1) No Member shall:
  - a) use offensive words or un-parliamentary language in or against any Member or to speak disrespectfully of any Member;
  - b) speak on any subject other than the subject in debate;
  - c) communicate with any other person electronically;
  - d) criticize any decision of the Council except for the purpose of moving that the question be reconsidered;
  - e) disobey the Rules; or
  - f) disobey the rulings of the Presiding Officer or of the Council on questions respecting the interpretation or application of the Rules except for the purpose of appealing the decision in accordance with the Rules.
- 2) No Member shall speak until recognized by the Presiding Officer.
- 3) When the Presiding Officer is putting a motion to a vote, no Member shall leave or make a disturbance.
- 4) If any Member of the Council desires to leave a Council Meeting prior to the adjournment thereof and not return, the Member shall so advise the Presiding Officer and the Member's departure and the time thereof shall be recorded in the minutes.
- 5) Should Council not maintain a quorum due to the departure of one or more Members prior to the adjournment of a Council Meeting, the Clerk shall declare the Meeting adjourned.

### **8.3 Rules of Procedure Respecting Motions**

- 1) The Presiding Officer shall not permit debate on a motion or put a motion to vote until the motion is formally seconded.
- 2) All motions shall be in writing and signed by the mover and seconder before the Presiding Officer will take the vote on the motion.

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- 3) Notwithstanding section (2) above, the following motions may be introduced orally:
  - To call the vote;
  - To suspend the rules;
  - Any other procedural motion; and
  - To adjourn.
- 4) When a motion is presented in writing, if requested it shall be read by the Presiding Officer or the Clerk when directed by the Presiding Officer, before debate.
- 5) A motion that has been duly seconded may be withdrawn subject to the following provisions:
  - a) A motion can only be withdrawn by the mover with the consent of the seconder.
  - b) Withdrawal of a motion shall be in order at any time during debate.
- 6) A motion containing two or more distinct proposals may be divided by leave of Council, and Council shall consider each part separately.
- 7) A main motion properly before the Council shall receive disposition before any other motion can be considered, except in respect of matters listed below and according to the listed priorities, namely:
  - a) to recess;
  - b) to adjourn;
  - c) to defer the motion under consideration to a definite date;
  - d) to defer the motion under consideration indefinitely;
  - e) to refer the motion under consideration to a committee or staff for a report;
  - f) to amend the motion under consideration; and
  - g) to call the vote (to end debate on the motion under consideration).
- 8) A motion to *recess*:
  - a) is permissible when there is business before Council for consideration;
  - b) shall specify the length of time of the recess;
  - c) is not debatable except with regard to the length of the recess; and
  - d) shall be amendable with respect to the length of the recess only.
- 9) A motion to *adjourn*:
  - a) is not amendable;
  - b) is not debatable;
  - c) is not in order when a Member is speaking or during a vote; and
  - d) when resolved in the negative, cannot be made again until the Presiding Officer has deemed sufficient business has been conducted by Council in the intervening time.
- 10) A motion to *defer*:
  - a) may or may not state a definite time or date as to when the matter shall be further considered;
  - b) shall state the reasons for the deferral;
  - c) shall apply to the main motion and to any motions to amend the main motion that are on the table;
  - d) is not debatable.
- 11) A motion to *refer*:

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- a) shall include the reasons for the referral and to who the referral is being made;
  - b) may or may not include the time or conditions under which the matter is to be returned to Council for consideration; and
  - c) is not debatable.
- 12) A motion to *amend*:
- a) shall be relevant to the main motion;
  - b) shall not be directly contrary to or propose a direct negative to the main motion;
  - c) shall be debatable; and
  - d) shall not itself be amended more than once; and motions to amend shall be put to a vote in reverse order from which motions to amend are put forward, and should the motion to amend be carried, the main motion shall then be considered by Council as amended.
  - e) Friendly amendments: Notwithstanding the foregoing, a motion to amend shall not be required where the mover and seconder of the main motion agree to re-word the main motion to accommodate a proposed amendment.
- 13) A motion to *call the vote*:
- a) is not permissible until every Member present has had the opportunity to speak to the question at least once;
  - b) is not amendable; and
  - c) is not debatable;
- and upon adoption, the Presiding Officer shall forthwith put the main motion and all amendments thereto to a vote.
- 14) A motion to move into Committee of the Whole or a motion for the Committee of the Whole to rise and report shall not be amendable or debatable.
- 15) No dilatory motion, which shall include:
- a) any motion made subsequent to a motion that was lost that is substantially the same as the lost motion where, in the opinion of the Presiding Officer, the motion is made for the purpose of delay or to frustrate Council; or
  - b) any motion made that is absurd or frivolous, or that can not be effected;
- shall be entertained by the Presiding Officer.
- 16) Any Member who wishes to introduce a motion that is contrary to a motion that has been adopted by Council shall employ the reconsideration procedures as set out in Part 8.5 of this By-law.

#### **8.4 Voting on Motions**

- 1) Immediately preceding the taking of the vote on a motion, the Presiding Officer may read the motion or request the Clerk to read the motion in the form introduced and shall do so if required by a Member, and the motion shall be stated in the form in which it will be recorded in the minutes.
- 2) After a motion is put to a vote 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.
- 3) a) A separate vote shall be taken upon each proposal contained in a motion that has been divided with leave of the Council.

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- b) A Member who is not present when the vote on the first part of a motion that has been divided shall not be entitled to vote on the second part of the motion.
- 4) The manner of determining the decision of Council on a motion shall be by show of hands, and the Presiding Officer shall determine the adequacy of the show of hands, and upon being satisfied with the adequacy of the show of hands, the Presiding Officer shall declare the results of the vote by stating that the motion is carried or that the motion is lost, as appropriate.
- 5) No member can be compelled to vote. As a result, every Member has the right to abstain. If the vote required is a majority or two thirds of the members present, an abstention will have the same effect as a "no" vote. Where a Member elects not to vote, the action shall be considered to be a negative vote to the motion.
- 6) Any motion on which there is a tie vote shall be deemed to be lost.
- 7) If any Member disagrees with the declaration of the Presiding Officer that a motion has been carried or lost, the Member, immediately after the declaration by the Presiding Officer, may appeal the declaration and request that a Recorded Vote be taken, whereupon the Clerk shall poll the Council.
- 8)
  - a) When a Member present requests a Recorded Vote on a motion, all Members present shall vote when polled by the Clerk by verbally indicating yea or nay and the Clerk shall record the results of the vote in the minutes.
  - b) The Clerk shall conduct the recording of votes of all Members by beginning with the Member who called for the vote and continuing in consecutive alphabetical order.
  - c) A Member may request a Recorded Vote immediately prior to or immediately subsequent to the taking of a vote on a motion.

### **8.5 Rules of Procedure Respecting Reconsideration of a Matter**

- 1) If a matter has been previously considered by Committee or Council and the matter decided, it shall not be reconsidered by either body within the next four regular meetings of Council after the Council meeting at which the matter was decided, without the consent of at least two-thirds of the Members present.
- 2) If a matter is put forward for reconsideration under section (1) above, within the next four regular meetings, prior to any motion related to the matter or debate, a motion to reconsider the matter shall be placed on the agenda and decided.

### **8.6 Rules of Debate**

- 1)
  - a) Every Member, prior to speaking to any question or motion, shall so indicate to the Presiding Officer through the raising of a hand of his/her desire to speak, and no Member shall speak until recognized by the Presiding Officer as having the floor.
  - b) When two or more Members raise their hands to indicate their desire to speak, the Presiding Officer shall determine who was the first to so indicate, and shall designate such Member as having the floor, and the subsequent Members who shall have the floor and the order of same, and the determination of the Presiding Officer in such respect shall not be subject to appeal.
- 2) All Members and Officials who are called upon to speak during a debate shall direct their comments and questions to the Presiding Officer.



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- 3) When a Member is speaking, no other Member shall interrupt except to rise on a point of order or a point of personal privilege.
- 4) Any Member may request the Presiding Officer to read the motion under discussion at any time during debate, but such request shall not be made so as to interrupt another Member while speaking.
- 5) No member shall speak more than once on an item of business except to give an explanation until every member who desires to speak on that item has spoken.
- 6) A member may ask a question only for the purpose of obtaining information relating to the matter under discussion and said question must be stated concisely and asked only of the Presiding Officer, or through the Presiding Officer.
- 7) The mover may request the right to be the last member to speak on the motion.
- 8) The Presiding Officer shall appoint another Member to act as Chair:
  - a) while temporarily being absent from the meeting; or
  - b) if he/she wishes to put forward a motion.
- 9) When the Presiding Officer calls for the vote on a motion, each Member shall remain seated until the result of the vote has been declared by the Presiding Officer, and during such time no Member shall speak to any other Member or make any noise or disturbance.
- 10) In all proceedings of a Council Meeting, including Committee of the Whole, the Presiding Officer shall decide and rule upon all matters pertaining to the Rules.

#### **8.7 Point of Order**

- 1) A Member may raise a point of order at any time, including interrupting another Member who has the floor, to bring Council's attention to:
  - a) any breach of the Rules;
  - b) a deviation from the matter under consideration noting that the current discussion is not within the scope of the motion on the table;
  - c) any other informality or irregularity in the proceedings of Council.
- 2) When a Member rises on a point of order, the Member shall ask leave of the Presiding Officer to raise the point of order and the Presiding Officer shall grant such leave, following which the Member shall state the point of order, and the Presiding Officer shall decide on the point of order and state his/her ruling on the matter.
- 3) Upon the raising of a point of order, no further discussion on the main issue shall be conducted until the Presiding Officer has decided and stated his/her ruling on the point of order.
- 4) Upon hearing the point of order, a Member shall only address the Presiding Officer for the purpose of appealing the Presiding Officer's ruling to Council.
- 5) If no Member appeals, the ruling of the Presiding Officer shall be final.
- 6) If a Member appeals the Presiding Officer's ruling on the point of order to Council, the Member shall have the right to give reasons for the appeal, following which the Presiding Officer shall have the right to reply with reasons, and the Council shall decide the question:

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*"Shall the ruling of the Chair be sustained?"* without further debate and the decision of Council shall be final.

### **8.8 Point of Personal Privilege**

- 1) A Member may rise at any time on a point of personal privilege where such Member feels that his/her integrity, or the integrity of the Council, or the integrity of a Committee, or the integrity of anyone present at the meeting has been called into question by another Member or by anyone present at the meeting.
- 2) When a Member rises on a point of personal privilege, the Member shall ask leave of the Presiding Officer to raise the point of personal privilege and the Presiding Officer shall grant such leave, following which the Member shall state the point of personal privilege, and the Presiding Officer shall decide on the point of personal privilege and state his/her ruling on the matter.
- 3) Upon the raising of a point of personal privilege, no further discussion on the main issue shall be conducted until the Presiding Officer has decided and stated his/her ruling on the point of personal privilege.
- 4) Where the Presiding Officer rules that a breach of privilege has taken place, he/she shall demand that the offending Member or individual apologize and failing such apology shall require the Member or individual to vacate the meeting room for the duration of the meeting as provided for in Part 8.9 of this By-law.
- 5) With the exception of providing an apology, the Member shall only address the Presiding Officer for the purpose of appealing the Presiding Officer's ruling of a breach of privilege to Council.
- 6) If no Member appeals, the ruling of the Presiding Officer shall be final.
- 7) If a Member appeals the Presiding Officer's ruling on the point of personal privilege to Council, the Member shall have the right to give reasons for the appeal, following which the Presiding Officer shall have the right to reply with reasons, and the Council shall decide the question:  
  
*"Shall the ruling of the Chair be sustained?"* without further debate and the decision of Council shall be final.

### **8.9 Expulsion for Improper Conduct**

- 1) The Presiding Officer, where a warning or ruling has not been heeded, may expel any Member or person from the meeting place for improper conduct at the meeting, which for purposes of this Section shall include:
  - a) violation of the Rules;
  - b) interruption of the proceedings of Council;
  - c) making of disruptive noise or visible gestures;
  - d) campaigning for any political cause or outcome; or
  - e) any other activity that impedes the conduct of the meeting.
- 2) Where the Presiding Officer expels any Member or person from the meeting, such Member or person shall vacate the meeting place forthwith.
- 3) Where the expulsion applies to a Member, the Member shall only address the Presiding Officer for the purpose of appealing the Presiding Officer's ruling of expulsion.
- 4) If no Member appeals, the ruling of the Presiding Officer shall be final.

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- 5) If a Member appeals the Presiding Officer's ruling on expulsion to Council, the Member shall have the right to give reasons for the appeal, following which the Presiding Officer shall have the right to reply with reasons, and the Council shall decide the question:

*"Shall the ruling of the Chair be sustained?"* without further debate and the decision of Council shall be final.

### **PART 9 – Committees and Local Boards**

#### **9.1 Local Boards**

- 1) Every local board shall adopt a procedure by-law to govern the calling, place and proceedings of meetings of the local board as required pursuant to the provisions of the Municipal Act, 2001, but until the local board has adopted a procedure by-law, the provisions of this By-law shall apply with the necessary adjustments.

#### **9.2 Committees of Council**

- 1) Council Committees may, from time to time, establish ad hoc committees consisting of such members as Council may determine, to take up a specific task or assignment, where the term of such committee is limited to the time required to complete the specific task or assignment.
- 2) Should any committee neglect or refuse to give due attention to any matter before it, the Council may, by resolution, discharge such committee and appoint another committee in its place, or disband the committee in its entirety.
- 3) Persons appointed to committees are appointed for such term as defined by Council, and by resolution. Council may rescind any appointment at any time.

#### **9.3 Meetings of Committees**

- 1) All meetings of committees shall be open to the public, except that committees may hold a Closed Session or move into a Closed Session to deal with matters that qualify for consideration at a closed meeting as set out in Part 4.6 of this By-law.

#### **9.4 Presiding Officer for Committees**

- 1) Council may designate the Chair of any committee, or allow the committee to elect a Chair from its members.
- 2) The duties of the Chair, or in the absence of the Chair the Vice-Chair, or in the absence of the Chair and the Vice-Chair such other member as the committee may designate to preside over the meeting, shall be as set out in Part 8.1 of this By-law for the Presiding Officer at a Meeting of Council, with the necessary adjustments.
- 3) Should the Chair of any committee neglect or refuse to call meetings of the committee at such times or with such frequency as the proper dispatch of the committee's business requires, or do the business of the committee without the knowledge or consent of its members, or contrary to their wishes or actions, the committee may report such neglect, refusal or action to the Council which may remove such Chair from office and appoint another member as Chair.

#### **9.5 Rules of Order for Committees**

- 1) A quorum in any committee meeting shall be a majority of the voting members of the committee.
- 2) If there is no quorum present within thirty (30) minutes after the time appointed for a meeting, the meeting shall stand adjourned at the call of the Chair.

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- 3) The Chair, or in the Chair's absence the Vice-Chair, or in the absence of the Chair and the Vice-Chair, such other member as the committee may designate shall preside at the meeting.
- 4) In the absence of the Chair and Vice-Chair if applicable for a period of fifteen (15) minutes after the time appointed for the holding of a meeting, one of the other members of the committee, if there be a quorum present, shall be appointed by the committee and shall discharge the duties of the Chair during the meeting or until the arrival of the Chair or Vice-Chair.
- 5) Each committee shall transact all business according to the rules for Council, with the necessary adjustments, as set out in:
  - a) Part 8.2 – Rules of Decorum;
  - b) Part 8.3 – Rules of Procedure Respecting Motions;
  - c) Part 8.4 – Voting on Motions;
  - d) Part 8.5 – Rules of Procedure Respecting Reconsideration of a Matter
  - e) Part 8.6 – Rules of Debate;
  - f) Part 8.7 – Point of Order;
  - g) Part 8.8 – Point of Personal Privilege; and
  - h) Part 8.9 – Expulsion for Improper Conduct;with the exception that the number of times a member may speak on any question shall not be limited, and at the request of any member, any item on the meeting agenda may be reopened upon a majority vote of the members present.
- 4) A committee may appoint a sub-committee from its members to investigate and report on any matters related to the business of the committee, provided that:
  - a) the sub-committee shall report directly to the appointing committee;
  - b) the sub-committee shall not have the power to appoint an additional sub-committee, nor shall it add to its membership without permission from the committee that established the sub-committee;
  - c) the sub-committee shall have no independent authority, nor shall it undertake any task other than was assigned; and
  - d) such sub-committees shall be subject to and operate in accordance with all requirements set out in this By-law for committees.

## **PART 10 – Notice**

### **10.1 Purpose**

This By-law shall not apply so as to require the giving of any notice in circumstances where there is no requirement in any applicable by-law, policy, Statute, or regulation that notice be given in respect of any proposed municipal action.

### **10.2 Notice to Members of Council and Committee Meetings**

- 1) A minimum of 72 hours notice shall be provided to Members prior to the holding of a Regular Council, Planning or Committee Meeting, which shall be given by release of a meeting agenda.
- 2) A minimum of forty-eight (48) hours notice shall be provided to the Members to the holding of a Special meeting, which may be given by release of a meeting agenda, written notice, email, or by telephone call.
- 3) Notwithstanding any other provision of this By-law to the contrary, a Council Meeting may be held to deal with an emergency, in accordance

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with any and all applicable legislation, with less than the requisite notice, provided the Clerk has endeavoured to notify the Members about the meeting in the most expedient manner. No business except business dealing directly with the emergency shall be transacted by Council.

- 4) Lack of receipt of a notice of or meeting agenda for a Council or Committee Meeting by any Member shall not affect the validity of the meeting or any action lawfully taken at the meeting.

### **10.3 Notice to the Public of Council Meetings**

- 1) Notice of Council Meetings to the public shall be provided through:
  - a) release of a meeting agenda by the Clerk;
  - b) posting of the time and date of the meeting on the Municipality's web site.
- 2) Upon release of a Council meeting agenda, the Clerk shall:
  - a) maintain copies of the meeting agenda in the office of the Clerk for review by members of the public; and
  - b) post the meeting agenda on the Municipality's web site.
- 3) Lack of receipt of a notice of or meeting agenda for a Council Meeting by any person shall not affect the validity of the meeting or any action lawfully taken at the meeting.

### **10.4 Notice of Meetings of Committees**

- 1) Notice of a committee meeting shall be provided through:
  - a) release of a meeting agenda for the meeting; and
  - b) posting of the time and date of the meeting on the Municipality's web site.
- 2) Where an agenda is released prior to a meeting, the Clerk shall:
  - a) maintain copies of the meeting agenda in the office of the Clerk for review by members of the public
- 3) Where a meeting agenda will not be released prior to the meeting, in lieu of the release of a meeting agenda, the Clerk shall endeavour to provide notice by e-mail or telephone call and/or written notice to the members.
- 4) Lack of receipt of a notice of or meeting agenda for a committee meeting by any person shall not affect the validity of the meeting or any action lawfully taken at the meeting.

### **10.5 Notice of Proposed Municipal Action**

- 1) Notice to the public of proposed municipal action shall be given as outlined in Schedule A attached hereto and which forms a part of this by-law.
- 2) Where separate by-laws have been enacted for specific activities the notice provisions set out in such by-laws shall prevail.
- 3) Nothing in this by-law shall prevent staff from using more comprehensive methods of notice or providing for a longer notice period.
- 4) Where notice of intention to pass a by-law or notice of a public meeting is required to be given and the timeframe for such notice is not already prescribed in the Act or its Regulations or otherwise addressed in this by-law, notice shall be given at least once, no less than fourteen (14) days prior to the proposed activity to be undertaken and posted on the Municipality website notice board or as directed by Council.

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- 5) Where the Municipality is required to give notice pursuant to Schedule A of this By-law, the Municipality shall provide notice in the manner and at the times set out in Schedule A except where:
  - a) Council has specifically directed that some other notice is to be given, which may be for a longer or a shorter period, or in a different form, that Council considers adequate to give reasonable notice; or
  - b) the provision of such notice will interfere with the Council's ability to conduct business with respect to a matter for which a closed meeting may be held in accordance with section 239(2) of the Municipal Act; or
  - c) a matter arises which, in the opinion of the Municipality's Mayor in consultation with the Municipality's Chief Administrative Officer, is considered an emergency, and is urgent or a time sensitive matter which could affect the health or well being of the residents of the Municipality.
- 6) Where a matter is deferred at a Council or Committee meeting or the matter is considered at a subsequent meeting of the Council or Committee, or at another Committee meeting, no additional notice shall be required, except where otherwise provided in the Municipal Act or in a regulation made under the Municipal Act.

### **10.6 Form of Notice**

Every notice to be given under this By-law shall contain:

- 1) A general description of the matter or by-law and the purpose of the meeting; and
- 2) Where it relates to a specific location, sufficient particulars of the location which may include reference to a municipal address, street intersection, legal description or plan number, or a key plan showing the location; and
- 3) The date, time and location of the meeting at which the matter will be considered; and
- 4) Instructions for making oral and/or written submissions to the Council or Committee (as the case may be) as well as the name of a person at the Municipality who may be contacted for further instructions or information on the matter.

## **PART 11 – Interpretation**

### **11.1 General Procedure**

In any matter of procedure for which provision is not made in this By-law, the procedure to be followed shall be, as near as may be applied, the procedure followed in the Robert's Rules of Order (revised).

### **11.2 Conflict with other Statutes**

Where there is conflict between any part of this By-law and any Statute or regulation, the Statute or regulation shall take precedence.

### **11.3 Severability**

If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered severed from the remainder of this By-law, which shall continue to be in full force and effect.

### **11.4 Time of Day**

Where any expression of time occurs or where any hour or other period of time is stated the time referred to shall be Standard Time, provided however, if 'Daylight Saving Time' is in effect under any Statute, Order-In-Council, by-

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law, resolution or proclamation, whether the same is effective in law or not, such time shall be the time referred to during such period in any reference to time in this By-law.

**PART 12 – By-Laws Rescinded**

**12.1** By-law Number 097-2013 as amended is hereby rescinded. This by-law shall come into force and take effect immediately upon the passing thereof.

Read a first, second and third time this 21<sup>st</sup> day of December, 2015.

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Mark A. Walas, Mayor

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Vicki Kimmett, Deputy Clerk

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**SCHEDULE "A" to By-Law No. xxx-2015**

| <b>Subject</b>   | <b>MA Section if required</b>                  | <b>Timing of notice</b>                            | <b>Method of notice</b>                                      |
|--|--|--|--|
| Closing highways                                       | Does not require.<br>Previous section repealed | No later than 14 days prior to by-law being passed | Post once in newspaper and on website notice board           |
| Changing the name of a Private road                    | 48   | No later than 14 days prior to by-law being passed | Post once in newspaper and on website notice board           |
| Fees and Charges – Sewage or consumption of water      | Does not require.<br>Previous section repealed | No later than 14 days prior to by-law being passed | Post once in newspaper and on website notice board           |
| Fees and Charges – permits fire                        | Does not require.<br>Previous section repealed | No later than 14 days prior to by-law being passed | Post once in newspaper and on website notice board           |
| Restructuring Proposal                                 | 173(3)   | No later than 14 days prior to by-law being passed | Post twice in newspaper and on website notice board          |
| Change of Name of Municipality                         | Not Required.<br>Previous section repealed     | No later than 14 days prior to by-law being passed | Post twice in newspaper and on website notice board          |
| Composition of Council                                 | 217(2)   | No later than 14 days prior to by-law being passed | Post twice in newspaper and on website notice board          |
| Budget   | Not Required.<br>Previous section repealed     | No later than 14 days prior to by-law being passed | Post once in newspaper and on website notice board           |
| Meetings of Council and Committees<br><i>(Regular)</i> | 238  | Monthly<br>As soon as prepared                     | Post agenda on website Post meeting on calendar              |
| Meetings of Council and Committees<br><i>(Special)</i> | 238  | No later than 48 hours prior to the meeting        | Email to media and post on website notice board and calendar |
| Meetings of Council<br><i>(Planning)</i>               | 238  | No later than 48 hours prior to the meeting        | Email to media and post on website. Post meeting on calendar |