

**THE CORPORATION OF THE MUNICIPALITY OF
BROOKE-ALVINSTON**

BY-LAW NUMBER 34 of 2012

**BEING A BY-LAW TO ESTABLISH RULES OF ORDER AND PROCEDURES
FOR THE COUNCIL OF THE MUNICIPALITY OF BROOKE-ALVINSTON
HEREIN AFTER CALLED THE MUNICIPALITY OF BROOKE-ALVINSTON
PROCEDURAL BY-LAW**

WHEREAS section 238(2) of the *Municipal Act, 2001, as amended*, states that every Municipality and Local Board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS section 238(2.1) of the *Municipal Act, 2001, as amended*, states that the procedure by-law shall provide for public notice of meetings;

AND WHEREAS it is deemed necessary and expedient that there be rules governing the order and procedures of the proceedings of Council and its Committees including the conduct of the members;

NOW THEREFORE the Council of the Municipality of Brooke-Alvinston enacts as follows:

1. Definitions

For the purpose of the By-law, the following definitions shall apply:

- 1.1 “Ad Hoc Committee” means a committee appointed by Council to review and report on a specific issue, once the report is delivered, the Ad Hoc Committee is automatically dissolved, includes a special committee.
- 1.2 “Chair” means the person presiding at a meeting.
- 1.3 “Clerk” means the Clerk of the Municipality of Brooke-Alvinston.
- 1.4 “Committee” means any advisory or other committee, sub-committee or similar entity at least 50% of the members are also members of Council.
- 1.5 “Committee of the Whole” means all members of the Council present at the meeting sitting in Committee.
- 1.6 “Council” means the Council of the Corporation of the Municipality of Brooke-Alvinston.
- 1.7 “Head of Council” means the Mayor.
- 1.8 “In Camera” means a meeting or part of a meeting that may be closed to the public to consider matters authorized under the Municipal Act or other enabling legislation.
- 1.9 “Local Board” refers to the Board of Management of the Brooke-Alvinston-Inwood Fire Committee.
- 1.10 “Meeting” means a meeting of the Council, or a Committee, as the case may be.
- 1.11 “Member” means a member of the Council or a Committee, as the case may be.
- 1.12 “Municipality” means the Corporation of the Municipality of Brooke-Alvinston.

- 1.13 “Municipal Act” means the Municipal Act, s.o. 2001, c.25, as amended from time to time.
- 1.14 “Recorded Vote” means a vote recorded in accordance with the Municipal Act where a vote is taken for any purpose.
- 1.15 “Quorum” means a majority of the whole number of members or not less than two members where by reason of the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50, members are disabled for participating in the meeting.

2. General Provisions

- 2.1 The rules and regulations contained in this By-law shall be observed in all proceedings of the Council, and with necessary modifications the Committees of Council, and shall be the rules and regulations for the order and conduct of business therein. The majority of members of a Committee shall approve any necessary modifications.
- 2.2 In all unprovided cases in the proceedings of the Council or Committee, resort shall be had to Robert’s Rules of Order for guidance on the question.
- 2.3 No standing rule or order shall be suspended except by a majority vote of the Council. Council is not permitted to suspend any statutory requirement with respect to its proceedings.
- 2.4 Any material to be distributed to Council shall be given to the Clerk for said purpose.
- 2.5 During a session of the Council no person but a member thereof shall be allowed to come or approach beyond the Delegation Table without permission of the Head of Council or Chair of the Council.
- 2.6 No person present at a meeting of the Council shall speak or behave in a riotous, disorderly or unseemly manner, or otherwise disturb or interrupt the proceedings of the Council and any person who shall contravene this provision shall be deemed guilty of improper conduct and a breach of this By-law.
- 2.7 The minutes of all meetings of Boards and Committees of Council shall be submitted to the Council, through the Municipal Clerk’s Office for approval and/or receipt.

3. Meetings of Council

- 3.1 The inaugural meeting of Council after a regular election shall be held on the first Thursday in December at a time determined by the Mayor-elect.
- 3.2 The regular meetings of Council shall be held in the Council Chambers on the second and fourth Thursday of each month at 7:00 pm and 8:30 am respectively or shortly thereafter at the Call to Order by the Head of Council within 15 minutes or after by the Call to Order by the appointed Head.
- 3.3 If a Thursday designated for the holding of a Council meeting falls on a public holiday, the Council shall meet at the designated hour on the previous day which is not a public holiday.
- 3.4 Council may, by resolution, alter the time, day or place of any Council and/or Committee meeting. Notice(s) will be posted at the Municipal

Office at 3236 River Street, Alvinston and on the municipal website – www.brookealvinston.com, as soon as practicable.

- 3.5
- a) The Head of Council may, at any time, call a Special or Emergency Meeting.
 - b) The Clerk shall summon a Special Meeting upon receipt of a petition of the majority of the Council members for the purpose and at the time and date mentioned in the petition.
 - c) All meetings of the Council or of any Committee of Council should be held within the municipal boundaries of the Municipality of Brooke-Alvinston with the exception of “Ad Hoc Committees” that may meet anywhere.
 - d) In either case of (a) or (b) above, reasonable notice (24 hours) of all Special Meetings of Council shall be given to the members of Council. Special or emergency meetings shall be held in the Council Chambers, unless otherwise directed by the Head of Council.
 - e) Notice of Special or Emergency Meetings may be given by mail, telephone, email or personal contact as determined by the Clerk.
 - f) Notwithstanding the Notice requirements set out above, the requirements may be suspended in the event of a bona fide emergency and the meeting will be held as soon as practicable following receipt of the summons or petition.
 - g) Notice of a Special Meeting shall specify the purpose(s) for the meeting. No business shall be disposed of at a Special Meeting except that to which such Notice relates unless the Members present unanimously consent to the suspension of this section.
- 3.6 A “Quorum” of this Council shall be a majority of the total Members (5), thereof, which is three (3) Members.

If no quorum is present within one-half (1/2) hour after the time appointed for the meeting of the Council, 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.

A quorum of any of the committees appointed by the Council shall be a majority of its members.

- 3.7 All electronic devices including cellular telephones shall be placed in silent mode in Council Chambers and all other locations during the course of meetings held in accordance with this By-law.

4. Open Meetings and Closed Sessions

- 4.1 All meetings must be open to the public.
- 4.2
- a) Notwithstanding section 4.1 above, a meeting may be closed to the public if the subject matter being considered relates to:
 - i) the security of the property of the Municipality or local board;
 - ii) personal matters about an identifiable individual, including municipal or local board employees;

- iii) a proposed or pending acquisition or disposition of land by the municipality or local board;
 - iv) labour relations or employee negotiations;
 - v) litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board;
 - vi) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - vii) a matter in respect of which Council, boards, committees or other body has authorized a meeting to be closed under an Act of the Legislature or an Act of Parliament;
- b) Notwithstanding Section 4.1 above, a meeting may be closed to the public if the meeting is held for the purpose of educating or training the members, and, at the meeting, no member discusses or otherwise deals with any matter in any way that materially advances the business or decision of the council, local board or committee or if the matter refers to a Municipal Freedom of Information and Protection to Privacy Act.
- 4.3 Before holding a meeting or part of a meeting that is to be closed to the public, the Council/committee shall state by Resolution:
- a) the fact of the holding of a Closed Meeting; and
 - b) the general nature of the matter to be considered at the Closed Meeting.
- 4.4 A meeting shall not be closed to the public during the taking of a vote except if:
- a) subsection 4.2 permits or requires the meeting to be closed to the public; and
 - b) the vote is for a procedural matter or for giving direction or instructions to officers, employees or agents of the Municipality, local board or committee of either of them or persons retained by or under contract with the Municipality or local board.
- 4.5 Meetings or sessions which are closed to the public may be referred to as 'in camera meetings' or 'in camera sessions'.

5. Proceedings of the Meetings

5.1 Order of Business

- a) Agendas:
 - i) The Clerk shall prepare or have prepared Agendas of Council and Committee meetings as assigned.
 - ii) Insofar as practicable, Agendas, along with supporting material shall be prepared and made available to Members at least two working days prior to any meeting.
 - iii) Agendas shall be generally formatted as follows, but modifications to the matters to be included or the order of

business may be affected without requiring amendment to this By-law:

1. Call to Order
2. Disclosure of Pecuniary Interest and General Nature Thereof
3. Adoption of Minutes from Previous Meeting(s)
4. Business Arising from Previous Minutes
5. Delegations and Timed Events
6. Correspondence
7. Accounts
8. Business (including staff reports)
9. By-laws
10. New Business
11. Public Inquiries
12. Closed Session
13. Rise and Report
14. By-law Confirming Proceedings
15. Adjournment

b) Business of the Council shall be taken up in the order as listed on the Agenda unless otherwise decided by the Mayor or presiding officer.

5.2 Individuals or groups wishing to appear before Council at a regular meeting shall advise the Clerk not later than 12:00 pm (noon) on the Friday prior to the meeting and the Clerk may make a determination as to deferral of Delegations to a subsequent meeting.

5.3 Individuals or groups which are listed on the Agenda or are otherwise approved to appear before Council shall be limited to not more than fifteen (15) minutes.

5.4 The Head of Council or presiding Officer has the discretion to extend time allowed for Delegations with the support of the majority of Council.

5.5 A recess may be declared by the Head of Council or Chair at any time or at the request of a majority of members present.

5.6 If a Member arrives late at a meeting, any prior discussion shall not be reviewed without the unanimous consent of all Members present.

6. Conduct of Proceedings at a Meeting of Council

6.1 The Head of Council or 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 meeting. The Head of Council or Chair may expel from a meeting anyone who engages in improper conduct.

6.2 When the Head of Council or Chair is absent or refuses to act, or the office is vacant, and a quorum is present, the Mayor's Alternate shall preside over the meeting until the arrival of the Mayor. In the absence of the Mayor or Mayor's Alternate, the Clerk shall call the members to order, and if a quorum is present a Chairperson shall be chosen from the members, who shall preside over the meeting until the arrival of the Mayor or Mayor's Alternate or Chair. While presiding, the Mayor's Alternate or Chairperson shall have all the powers of the Head of Council.

6.3 A member shall not:

- a) disturb the Council by any disorderly deportment;
 - b) use profane or offensive words or insulting expressions;
 - c) disobey the rules of the Council or a decision of the Head of Council or the Council on points of order or on the interpretation of the rules of procedure of the Council;
 - d) leave their seat or make any noise or disturbance while a vote is being taken or until the result is declared;
 - e) interrupt a member who is speaking, except to raise a point of order or a question of privilege.
- 6.4 The Head of Council or Chair may call order to any member(s) persisting in breach of the rules of the Council and to order such person or persons to vacate the Council Chambers.
- 6.5 Unless otherwise authorized by the Head of Council or the presiding officer, all members, staff and guests shall address Council through the chair and only when recognized to do so.
- 6.6 When more than one member addresses the Chair at the same time, the Head of Council or presiding officer shall name the one entitled to speak first.
- 6.7 When a member is called to order, he/she shall cease speaking unless allowed to explain. The ruling of Head of Council or presiding officer shall be obeyed, subject to appeal to the Council, but without debate.
- 6.8 A member shall speak no longer than ten (10) minutes to any question, nor more than once, except in explanation or by permission of the Head of Council or presiding officer and no new matter shall be introduced.
- 6.9 If the Head of Council or presiding officer desires to leave the Chair for the purpose of making a motion or otherwise, he/she shall call a member of Council to the Chair until his/her place is resumed. Should the Head of Council or presiding officer retire from the Chair before adjournment, and fail to call some member to the Chair, Council may elect a member to preside over the meeting until the business of the meeting is finished.
- 6.10 The Head of Council or presiding officer may expel from the meeting anyone who engages in improper conduct.
- 6.11 Where Council discussed a matter In Camera and where the matter remains confidential, Council shall not disclose the substance of deliberations of the In Camera session.

7. Motions

- 7.1 A motion must be formally seconded before the question can be put or a motion recorded in the Minutes, except a motion to adjourn.
- 7.2 When a motion is presented to Council, it shall be stated by the Head of Council or presiding officer or the Clerk.
- 7.3 A motion to amend shall:
- a) be dealt with by Council before a previous amendment or the main motion;

- b) not be further amended more than once provided that further amendment may be made to the main motion;
 - c) be relevant to the main motion;
 - d) not propose a direct negative to the main motion.
- 7.4 Once stated by the Head of Council, presiding officer or clerk, a motion may not be withdrawn without the consent of both the Mover and Seconder.
- 7.5 Immediately prior to voting on a motion, the Head of Council, presiding officer or clerk shall state the question in the precise form it is to be recorded in the Minutes, including any amendments to the question.
- 7.6 After a motion, as amended, is finally put to vote, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result declared by the Head of Council.
- 7.7 Members shall not speak more than once to the same question without the consent of the Head of Council or presiding officer.
- 7.8 Any member may require the question or motion under discussion to be read at any time during the debate but not so far as to interrupt a member while speaking.

8. Voting

- 8.1 Every member of Council shall vote on all questions, unless such member has indicated a conflict under the Local Government Disclosures of Interest Act.
- 8.2 Where a vote is taken for any purpose and a member requests immediately prior to the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall, as his/her name is drawn from a hat, followed by the Head of Council or presiding officer, announce their vote openly and failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the Clerk shall record each vote.
- 8.3 When a recorded vote is required by any member of Council, yeas and nays shall be recorded and reported by the Clerk and entered upon the Minutes of the meeting.
- 8.4 Subject to Section 4, no vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.

9. By-laws

- 9.1 A By-law shall be deemed to have been read upon the title or heading thereof being read or taken as read unless a member of the Council requires the By-law or any portion thereof to be read in full.
- 9.2 Every By-law shall be given three readings prior to passage. Every by-law shall be in typewritten form before it is presented for third reading.
- 9.3 The first reading of a by-law shall be decided without amendment or debate. The second reading of a by-law shall be open for amendment and debate. The first and second reading may be presented by one motion.
- 9.4 Every by-law enacted by the Council shall be numbered, dated with the dates of the three readings, signed by the Clerk and Head of Council or

Presiding Officer and shall be sealed with the seal of the Corporation. The by-law shall be deposited with the Clerk in their office for safekeeping.

10. Minutes

- 10.1 Minutes shall record:
- a) The place, date, and time of the meeting;
 - b) The names of the Presiding Officer, members and staff attending any meeting;
 - c) The reading, if requested, correction and/or adoption of the minutes of previous meetings;
 - d) All resolutions, decisions and other proceedings of the meeting without note or comment.
- 10.2 Minutes shall be signed by the Head of Council or Chair and the Clerk, or designate, once the minutes are ratified by Council or committee, as the case may be.
- 10.3 It shall be the duty of the Clerk to deliver to each Member not less than 48 hours prior to a regular meeting of Council, the draft minutes of the last regular meeting of Council and all subsequent meetings of Council held more than four days before the regular meeting.
- 10.4 Minutes ratified by Council will be posted on the municipal website (www.brookealvinston.com) as soon as practicable.

11. Adjournment

- 11.1 The regular meetings of Council and Committees shall always adjourn after three (3) hours from commencement unless otherwise decided before that hour by a majority of the members present at a meeting, but the Council and Committees shall, in any event, adjourn at midnight.
- 11.2 Members may move a motion for adjournment at any time during a meeting but may not do so when another motion is being discussed.
- 11.3 The Chair may adjourn the meeting without a vote of the members only if:
- a) discussion and conduct has degenerated to the point where order cannot be restored;
 - b) an emergency exists, such as fire or flood;
 - c) all the business on the Agenda has been concluded.

12. Committees of Council

- 12.1 A Standing Committee or Ad Hoc Committee shall be composed of not less than three members.
- 12.2 Any member of the Council/Committee may be placed on a standing or other committee, and the Head of Council shall be an ex-officio voting member of all committees.
- 12.3 Insofar as is possible, the procedures of the Committees shall be the same as those set out for the Council/Committee to the extent that they are applicable, provided that:

- a) the vote on any particular item shall not be a recorded vote;
- b) the number of times and length of speaking shall not be limited.

13. General

- 13.1 In all matters and under all circumstances, the members shall be guided by and shall have regard to the Municipal Conflict of Interest Act, R.S.O. 1990, chapter M.50, as amended.
 - 13.2 Following a regular or new election, the Clerk shall provide each member of Council with a copy of this By-law, including any amendments thereto.
 - 13.3 Any procedure under this By-law, which is discretionary and not mandatory under statute, may be suspended with the consent of a majority of the members present.
 - 13.4 No amendment or repeal of the By-law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal is given in accordance with the Municipal accepted Notice Requirements as required by the Municipal Act, 2001.
14. That By-law Number 3 of 2007 be repealed.

READ A FIRST AND SECOND TIME THIS 11th DAY OF OCTOBER, 2012.

READ A THIRD TIME AND FINALLY PASSED THIS 11TH, DAY OCTOBER, 2012.

Mayor

Clerk