

THE CORPORATION OF THE MUNICIPALITY OF BROOKE-ALVINSTON  
BY-LAW NUMBER 1 of 2019

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A BY-LAW TO ESTABLISH RULES OF ORDER AND PROCEDURES  
TO GOVERN THE PROCEEDINGS OF THE  
MUNICIPAL COUNCIL AND COMMITTEE MEETINGS OF  
THE MUNICIPALITY OF BROOKE-ALVINSTON

WHEREAS pursuant to Section 238(2) of the Municipal Act, S.O. 2001, c. 25, provides that every Municipality shall pass a procedural by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS The Council shall also follow the regulations as set out within the Municipal Conflict of Interest Act;

AND WHEREAS on May 30", 2017 Bill 68, Modernizing Ontario's Municipal Legislation Act received Royal Assent, which includes a number of amendments to the Municipal Act, 2007 and its regulations;

AND WHEREAS the Brooke-Alvinston Municipal Council deems it desirable that there be rules governing the order and procedures of the Council;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the Corporation of Brooke-Alvinston hereby enacts as follows:

1.0. DEFINITIONS

"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.

"Ad Hoc Committee" shall mean a committee established by Council for the purpose of dealing with a special project with a clear mandate, including a start and finish date.

"Agenda" shall mean the order of proceedings for a meeting setting out the business to be considered at the meeting authorized to preside in their absence.

"Chief Administrative Officer" shall mean the Council appointed Chief Administrative Officer for the Municipality of Brooke-Alvinston 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 Municipality.

"Clerk" shall mean the Municipal Clerk of the Municipality of Brooke-Alvinston or designate appointed by Council who shall have all the powers and duties of the Clerk under the Municipal Act 2001, Municipal Elections Act 1996 and every other Act and to record and maintain Council resolutions, decisions, minutes, by-laws and proceedings of the Council.

"Committee" shall mean a committee of Council, ad hoc or a committee established by Council from time to time.

"Committee Chair" shall mean a Presiding Officer of a Committee, advisory or special committee of Council and shall have the same powers during a committee meeting as the Head of Council during Council meetings.

“Conflict of Interest” shall mean a pecuniary interest as defined in the Municipal Conflict of Interest Act.

“Council” shall mean the elected and sworn in Members of the Municipal Council of the Corporation of the Municipality of Brooke-Alvinston.

“Councillor” shall mean an elected and sworn in Member of the Council for the Municipality of Brooke-Alvinston.

“Delegation” shall mean a ten (10) minute address to Council or a Committee at the written request on of a person or persons wishing to speak who are not Members of Council or Municipal employees.

“Deputy Mayor” shall mean the Member of Council elected after a regular election with the highest number of votes 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.

“Head of Council” shall mean the Mayor who shall preside at all meetings of the Council (unless absent or refuses to act); and the Head of Council is also the Chief Executive Officer of the Municipality.

“In Camera” (Closed Session) means that part of a meeting closed to the public, other than those persons specifically invited by Council or Committee to remain pursuant to the provisions of Section 239 of the Municipal Act 2001 regulating Closed Session meetings.

“Meeting” shall mean any regular, special, committee or other meeting of Council of the Municipality of Brooke-Alvinston, or advisory committee

“Member” shall mean a member of Council and/or an appointed or elected member of a municipal Committee or Local Board.

“Motion” shall mean a proposal for a specific action moved by a Member in Council or Committee and marks the beginning of consideration of a subject to deal with a matter before Council or a Committee.

“Presentation” shall mean a ceremonial presentation to or from the Municipality of Brooke-Alvinston, or an address or presentation to Council or a Committee at the request of Council, Committee or municipal employees.

“Presiding Officer” shall mean the Mayor or Acting Head of Council, or Chair of a Meeting.

“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 Brooke-Alvinston, quorum shall mean a majority (more than half) of whole number of members of Council (5) 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.

“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.

“Resolution” shall mean the decision of Council on any motion.

“Secretary” shall mean the recording secretary for a Council, or other Committee meeting being the Municipal Clerk or designated Committee Secretary responsible for preparing Agendas and taking Minutes of the proceedings of Council or a Committee.

#### INAUGURALMEETING

2.1 The Inaugural Meeting of Council shall be held after the regular Municipal Election pursuant to the Municipal Act 2001 and shall be held in accordance with this Procedural By-law and not held later than 31 days after the term commences. The date shall be at the discretion of the Mayor elect.

2.2 At the Inaugural Meeting, the Elected Members shall organize as a Council, and the first order of business shall be the Declarations of Office, Oaths and appointment of the Deputy Mayor in accordance with the Municipal Act, 2001.

2.3 The new Council of the Municipality of Brooke-Alvinston shall be deemed to be organized after a regular municipal election when the oaths of office have been taken and signed pursuant to Section 232 (1) of the Municipal Act 2001.

#### CONVENING OF COUNCIL AND COMMITTEE MEETINGS:

3.1 All Meetings of Council and Committees shall be convened in the Council Chambers, unless the notice of meeting stipulates the Meeting shall be held at another location, or unless otherwise decided by resolution of Council or required due to an emergency event.

3.2 When the day for a regular meeting of Council falls on a public or statutory holiday, Council shall direct the regular meeting to be held on the business day immediately following the originally scheduled date for that meeting.

3.3 A Motion passed by a majority of the Members present is required to continue a meeting of Council or of a Committee that extends past 3 hours.

3.4 All Council and Committee meetings and agendas will be published and communicated in accordance with the Municipality of Brooke-Alvinston Notice Policy.

3.5 In general, Regular Meetings will be held in the Council Chambers at 4:00 p.m. and 7:00 p.m. on the 2<sup>nd</sup> and 4<sup>th</sup> Thursdays of each month respectively (excluding the 4<sup>th</sup> Thursday in August and the 4<sup>th</sup> Thursday in December) and will be communicated in accordance with the Municipality of Brooke-Alvinston Notice Policy.

3.6 Committee and Board meetings will be held on an as need basis.

3.7 The annual Regular Council meeting schedules will be updated by the Municipal Clerk and will be posted on the Municipal Website and circulated by the Municipal Clerk annually.

3.8 The Head of Council or designate may, at any time, summon a Special meeting of Council; and upon receipt of a petition of the majority of the members of Council, the Municipal Clerk shall call a special meeting for the purpose and at

the time mentioned in accordance with the Municipality of Brooke-Alvinston Notice Policy.

- 3.9 The Municipal Clerk shall attempt to give notice in writing, by electronic mail, of the time, place and purpose of every Special meeting to all Members not less than forty—eight(48) hours prior to the time set for the Meeting in accordance with the Municipality of Brooke-Alvinston Notice Policy.

- 3.10 The notice calling for a Special meeting of Council shall state only the business to be considered at the Special meeting and no other matters, business, or financial decisions shall be made to be included or added other than that those stated in the notice or agenda shall be considered at such Meeting, except with consent of a majority of the members present

- 3.11 The Head of Council may summon an Emergency meeting of the Council to deal with 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.

- 3.12 All meetings of the Council and its Committees shall be open to the public except as provided for pursuant to Section 239 (2) of the Municipal Act 2001 regarding a meeting or part of a meeting that may be closed to the public if the subject matter being considered falls under a section as outlined within Section 239 (2) of the Municipal Act, 2001.

- 3.13 Pursuant to Section 238 (1) of the Municipal Act, 2001 a Meeting shall be defined as 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 is present, and
- (b) members discuss or deal with any matter in a way that materially advances the business or decision-making of the Council, Local Board or Committee.

#### NOTICE OF MEETINGS

- 4.1 The Municipal Clerk shall provide notice to the public respecting matters coming before Council for decision in the manner required by the Municipality of Brooke-Alvinston's Notice Policy or as required by statute.

- 4.2 The Municipal Clerk shall send notice of each Regular Council, Emergency and Special Meeting of Council accompanied by the Agenda to every Council Member by electronic mail and will ensure the meetings are posted on to the Municipal website for public information.

- 4.3 Written notice of all Special Meetings of Council, detailing the matters to be considered at the meeting, shall be delivered by electronic mail not less than forty-eight (48) hours before the time set for the meeting. The Municipal Clerk shall provide notice to the public through the following methods:

- a) Publishing the annual schedule of meetings by posting it on the Municipal web site and by distributing copies upon request;
- b) Updating the annual schedule of meetings posted on the Municipal website within forty-eight (48) hours of any changes made to the schedule;

c) Posting a copy of meeting notices and Agenda on the Municipal notice boards and on the Municipality of Brooke-Alvinston's Municipal website not less than forty-eight (48) hours in advance if possible.

4.4 Every Notice of a meeting of Council or Committee shall indicate the day, month, year, place and time of commencement of the meeting and the contact information of the Municipal Clerk or designated Secretary's Office.

4.5 The Notice of meeting requirements set out in this by-law shall be subject to any specific requirements for the publishing of notice as prescribed by legislation such as the Planning Act, Statutory of Powers and Procedures Act, Municipal Act 2001, the Municipality of Brooke-Alvinston 'Procedural By-law' and 'Notice Policy', or as directed by Council.

4.6 Any meeting may be cancelled or rescheduled to a day, time and place set out in a written notice from the Municipal Clerk, sent to each Member by electronic mail or a method acceptable to the Member at least forty-eight (48) hours before the scheduled date of the meeting if possible. '

#### GENERAL RULES IN CONDUCTING THE BUSINESS OF COUNCIL

5.1 The rules and regulations set out herein shall be observed in all proceedings of Council and, with necessary modifications, the Committees of Council, and shall be the rules and regulations for the order and dispatch of business.

5.2 In any case for which provision is not made herein, the procedure to be followed for the proceedings of the Council or Committee meeting shall be as aligned as possible, to "Roberts' Rules of Order" as the rule for guidance on a specific parliamentary procedure.

5.3 The rules of proceedings shall be observed in Regular Council and Committee meetings.

5.4 Every Regular Council meeting shall be chaired by:

- a) The Mayor, if present.
- b) The Deputy Mayor, if the Mayor is absent.
- c) if both are absent, Council shall select an Acting Chair to serve as Head of Council.

Every Advisory Committee meeting shall be chaired by:

- a) The Chair, if present.
- b) The Vice Chair, if the Chair is absent.
- c) If both are absent, Committee shall select an Acting Chair to serve as Chair.

5.5 If, at any time, the attendance of a Member of the Brooke-Alvinston Municipal Council is required to perform any corporate responsibility or duty and the Mayor/Head of Council is not available to perform the responsibility, other Members of Council shall be contacted in the following order: Deputy Mayor and the Councillors in accordance with their standing at the last municipal election, in order to arrange for a Member of Council to perform the responsibility or duty.

## MUNICIPAL CLERK'S ATTENDANCE AT MEETINGS

- 5.6 The Municipal Clerk who is appointed by the Municipality shall be present at all meetings; however, the Municipal Clerk may delegate a municipal employee to act in their stead at the meetings of Council or Committees.

## RECORD OF MEETINGS:

- 5.7 Pursuant to Section 228 (1) (a)-of the Municipal Act 2001 2001, as amended, the Municipal Clerk shall provide a written record of meetings, without note or comment, including all resolutions, decisions and other proceedings of the Council or Committees.

## UPPER-TIER MUNICIPAL REPRESENTATION

- 5.8 The Mayor shall be the member appointed to the Upper-Tier Council on behalf of the Municipality of Brooke-Alvinston.

- 5.9 In the absence of the Mayor, the Deputy Mayor shall act as the alternate member to represent the Municipality of Brooke-Alvinston on Upper Tier Council.

## USE OF AUDIO VISUAL TECHNOLOGY:

- 5.10 At meetings of Council the use of cameras, electric lighting equipment, flashbulbs, recording equipment, television cameras or any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by members of the public may be permitted, subject to the approval and/or direction of the Chair unless decided by Council.

## REGULAR MEETINGS OF COUNCIL

- 6.1 Regular Meetings of Council shall be held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursdays of each month at 4:00 p.m. and 7:00 p.m. respectively in the Council Chambers, in accordance with the annual Regular Council meeting schedule prepared and published annually, except:
- a) when otherwise directed by resolution of Council; or
  - b) when the Clerk advises otherwise upon a minimum of forty-eight (48) hours notice; or
  - c) when special meetings are called by the Head of Council with forty-eight (48) hours notice; or
  - d) when emergency meetings are called by the Head of Council and no notice is required.

- 6.2 When the day for a Regular meeting of Council is a public or civic holiday, Council shall meet at the same hour on the next following day which is not a public or civic holiday unless otherwise directed by resolution of Council.

- 6.3 One Regular Council meeting will be held during each month of August and December. Additional Council meetings may be held during this time period at the call of the Head of Council.

## CALLING OF THE MEETING TO ORDER AND QUORUM

- 7.1 The Mayor or Presiding Officer shall take the Chair and call the order meeting to as soon after the hour fixed for the holding of the meeting of the Council and once a quorum is present. If there is not a quorum present fifteen (15) minutes after the time appointed for the meeting, the Council or Committee shall stand adjourned until the next regular day of meeting unless a Special Meeting is called earlier.
- 7.2 A majority of the whole number of Members of Council is necessary to form a quorum. A quorum of this Council shall be a majority of the five Members, which is three (3) Members, unless a two—thirds majority vote shall be required by statute or law.
- 7.3 A quorum of any of the Committees appointed by the Council shall be a majority of its Members.
- 7.4 If during the course of a Council or Committee meeting a quorum is lost, then the meeting shall stand adjourned, to reconvene when quorum is regained. If a quorum is not present within fifteen (15) minutes, the Clerk or designate will record the names of the members present and the meeting shall be adjourned and the remaining business on the Agenda for that meeting shall be placed on the Agenda for the next scheduled meeting of the Council or Committee.
- 7.5 Where the Mayor does not attend within fifteen (15) minutes after the time appointed for the meeting, the Deputy Mayor shall call the members to order and, if a quorum is present, preside during the meeting until the arrival of the Mayor at that meeting.
- 7.6 If a meeting of Council or Committee cannot be convened or does not continue because of a lack of quorum, the remaining business on the Agenda for that meeting shall be placed on the Agenda for the next scheduled meeting of Regular Council.

## ELECTRONIC PARTICIPATION AT MEETINGS

- 7.7 A member of Municipal Council who is unable to attend a Council Meeting shall be permitted to participate by means of audio/visual or audio electronic communication devices. Members participating electronically cannot be part of the quorum and are not eligible to vote.

## REGULAR COUNCIL MEETING AGENDA

- 8.1 The Municipal Clerk shall prepare Agendas for Regular Council meetings. Insofar as practicable, agendas along with supporting material shall be made available to Members at least three working days prior to any meeting.

The business of Council shall, in all cases, be taken up in the order in which it appears on the Agenda, unless otherwise directed by Council.

As soon as the Agenda is published and circulated by the Municipal Clerk or designate to Council Members the agenda will be made available to the media and public on the Municipal Website with the exception of information relating to matters to be considered in 'Closed Session'.

## AGENDA HEADINGS

8.2 The Municipal Clerk, subject to changes as may be appropriate in the circumstances, shall prepare for distribution a Council Agenda with the routine order of business for regular meetings of Council to be as follows:

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
8. Business (including staff reports)
9. By-laws
10. New Business
11. Closed Session
12. Rise and Report
13. By-law Confirming Proceedings
14. Adjournment

Additions to the Agenda:

8.3 After delivery of the Council Agenda, the Municipal Clerk may amend the Agenda by way of a revision to add or delete matters from the prepared Agenda in consultation with the Mayor. In this case, the Municipal Clerk shall endeavour to forward additional Agenda material to the Members prior to the meeting. The Agenda additions may be presented at the Council meeting and are not subject to the notice requirements.

8.4 The addition of items to be added to the Council Agenda shall be restricted to time sensitive and emergency matters. All addendum items and items of business not listed on a Council Agenda or addendum may only be introduced at a Council meeting with the approval of Council.

## DISCLOSURE OF PECUNIARY INTEREST

9.1 Where a Member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest direct or indirect, in any matter and is present at a meeting of the Council or Committee at which the matter is the subject of consideration, the Member in accordance with the Municipal Conflict of Interest Act shall:

- a) prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- b) record the Conflict of Interest on the prescribed Declaration of Pecuniary interest Form and provide it to the Municipal Clerk;
- c) shall not take part in the discussion of or vote on any question in respect of the matter;
- d) shall not attempt in any way either before, during or after the meeting to influence voting on any such question; and;
- e) may ask to be excused from the portion of the meeting the pecuniary matter is to be discussed.

9.2 Where the meeting is not open to the public, in addition to complying with the requirements of the Municipal Conflict of Interest Act, a Member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.



- 9.3 The Municipal Clerk shall record in reasonable detail the particulars of any disclosure of pecuniary interest made by a Member, and this record shall appear in the Minutes, Notes or Report of that meeting.

Requirement to Establish a Registry

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

ADOPTION OF MINUTES OF THE PREVIOUS MEETING(S)

- 10.1 Minutes of the previous Regular or Special Meetings of Council will be presented for adoption by the Council including any amendments as may be noted at the meeting.

10.2 Minutes shall record:

- a) the place, date and time of meeting;
- b) the name of the Chair or Presiding Officer and attendance of Council Members and Municipal Employees;
- c) the correction of any amendments to and adoption of the Minutes of prior meetings. Any corrections made to the draft minutes at the meeting at which they are made should merely indicate that the minutes were approved "as corrected" without specifying the corrections;
- d) Each item considered by Council and the decisions of the meeting without note or comment.

- 10.3 The Minutes are a legal record of action taken and may be amended to correct errors and omissions. No debate is permitted.

- 10.4 Once the Minutes are adopted by Council, they shall be signed by the Mayor and Municipal Clerk, or their designate(s) if the Mayor and/or Municipal Clerk were absent from the meeting when the Minutes were taken.

PRESENTATIONS

11.1 Presentations at all Council Meetings may include:

- a) Presentations by organizations providing information at the request of Council;
- b) Presentations to or from Council recognizing achievements; and,
- c) Presentations by Municipal Staff or Consultants.

- 11.2 In general, Council will provide fifteen (15) minutes for each presentation with a question and answer period by Council to follow. Any additional time exceeding fifteen (15) Minutes shall be granted by the Mayor or Presiding Officer.

## DELEGATIONS

- 12.1 Persons can make a request to the Municipal Clerk if they wish to appear at Council as a delegation by making a written request.
- 12.2 Every individual, organization or group wishing to address Council shall notify the Municipal Clerk in writing providing a brief outline of the nature of the Delegation and include any specific requests or recommendations to Council no later than 1:00 p.m. on a Friday preceding a Council meeting. The notice shall be signed, shall include the mailing address and telephone number or email by which the individual or the organization or group may be contacted.
- 12.3 Council may refuse to hear Delegations when, in the opinion of the Council, the subject of the presentation is beyond the jurisdiction of the Municipality; when the matter was referred to a Staff member for a report; when the delegation has already spoke in front of Council on the subject matter or if the delegation is vexatious in nature.
- 12.4 All persons attending the meeting as a delegation shall address the Chair from the table in the Council Chambers.
- 12.5 Delegations shall be limited to speaking not more than ten (10) minutes when addressing Council.
- 12.6 Council may limit or extend the time allowed for a Delegation by the Chair or a majority vote by the members present.
- 12.7 An opportunity will be provided for Members to ask questions of clarity immediately following Delegations and Public Meetings and Members will be granted permission to ask questions, one (1) question at a time per Member as directed through the Mayor or Presiding Officer, on a rotating basis to ensure that anyone who wishes to ask a question is given the opportunity. The question period is a method of seeking clarification on matters presented and is not intended nor shall be entered into as a forum for debate.

## DELEGATION ACTIONS

- 13.1 Following a Delegation, Council may, by resolution, agree on a specific action in response to the Delegation, such as 'refer to staff for a report', 'receive for information', or decide on a direction or action to be taken in response to a request to Council.

## REPORTS

- 14.1 Reports of Council and verbal or written reports from Municipal Employees shall be presented, received and action taken as directed by Council and be expressed by Motion and passed by Resolution.
- 14.2 The reports contain recommendations provided by municipal staff including background information and may request authorization for a stated course of action by Council. The reports should succinctly layout the reasons for the request or recommendation and may summarize pertinent report sections including the origin, background, analysis or conclusion where this information assists in clarifying or justifying the staff recommendation.

- 14.3 All Municipal Staff Reports to be included in the Council Agenda package shall be prepared using a consistent and prescribed format and will include the following if applicable:
- Recommendation
  - Background
  - Analysis
  - Financial Implications
  - Strategic Plan Objective (if applicable);
  - Conclusion;
  - Attachment(if applicable);
  - Authorization acknowledgement.
- 14.4 The recommendation of a Municipal Staff embodied in a Report to Council are:
- (1) the main Motion(s) when the clause is called and
- (2) deemed to have been adopted by Council without any amendments unless Council decides otherwise

## MOTIONS

- 15.1 No Member shall introduce any item to the Council for its consideration unless:
- a) the item relates to a matter on the Agenda for that meeting; or
- b) the matter is of an urgent nature and leave is granted on a two-thirds majority vote.
- 15.2 In Regular Council, a Motion shall be moved and seconded before a Member speaks to the Motion and before the Chair shall put the question and the Motion is recorded in the Minutes of the meeting.
- 15.3 A Member may move a Motion in order to initiate discussion and debate and that Member may vote in opposition to the Motion. A seconder of a Motion may vote against the Motion.
- 15.4 After a Motion is moved at the "Council meeting it shall be deemed to be in the possession of Council and may not be withdrawn without the consent of the mover and seconder and a majority vote before decision or amendment.
- 15.5 Requirement for Disposition: A Motion properly before Council for decision must receive disposition before any other motion can be received for debate, except where:
- a) a motion on procedure has been made to amend, to defer decision on the question, to refer the matter, to call the vote on the question, or to extend the hour of closing proceedings; or meeting has failed for lack of a quorum.
- 15.6 Presentation of Motion—All Motions shall be presented in written form to Council and will be provided to the Municipal Clerk if not already printed in the Agenda for the meeting and shall be stated by the Presiding Officer before it is debated.
- 15.7 Motion to Adjourn - A Motion to adjourn:
- shall always be in order except as provided by these rules;
  - Does not require a seconder.
- 15.8 Motion to Refer — A Motion to refer a question or matter provides the opportunity for redrafting or further study of a motion to either amend properly or to obtain additional information. The motion can be made with or without instructions to the

staff or a committee, such as when to report back, or to propose an amendment written to accomplish a particular purpose.

15.9 A reconsideration— Any substantive Motion may be reconsidered. If a motion has been either adopted or defeated during a meeting, at least one member who voted on the winning side may make the motion to reconsider.

15.10 The Motion to reconsider may be seconded by any member, no matter how the Member voted.

15.11 A Motion to reconsider is debatable

15.12 If the Motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, and debate on the question to be reconsidered shall proceed as though it had never previously been considered

15.13 No question upon which a notice of reconsideration has been accepted shall be considered more than once, nor shall a vote to reconsider be reconsidered.

#### RECESS

16.1 A Motion to recess may be made at the call of the Mayor or Chair when no question is pending, in order to provide for an intermission in the Council or Committee proceedings. This does not close the meeting and after which business will immediately be resumed at exactly the point where it was interrupted.

#### RECONVENE

17.1 The motion to reconvene is made after the Member(s) have had a short recess of the Municipal Council's proceedings. Once reconvened, business resumes at exactly the point where it was recessed. Time of reconvening shall be noted in the Minutes of the Meeting.

#### WITHDRAWAL

18.1 A request to withdraw a Motion,

I. Shall only be made by the mover of the Motion;

II. May be made without the consent of the seconder of the Motion; and

III. Shall be in order up until the vote on the Motion is taken.

#### NOTICES OF MOTION

19.1 A Member desiring to introduce a Motion at a Meeting regarding a matter that would not otherwise be considered by the Council at such Meeting, shall deliver a written copy of the Motion, to the Municipal Clerk before the Regular Meeting or of Council at the Meeting which a notice of Motion is to be given. Upon receipt of a notice of Motion request, the Municipal Clerk shall print the Motion in full in the agenda for the next Regular Meeting or Committee of the Whole Meeting of the Council. A notice of Motion shall be otherwise considered or disposed of by the Council at the Regular Meeting at which it is first introduced, unless a Member objects by a vote to its consideration, in which case it shall be considered at the next regular Meeting of the Council.

## RULES OF DEBATE

- 20.1 Every Member prior to speaking to any question or Motion shall raise their hand and must be recognized first by the Mayor or the Presiding Officer to address Council.
- 20.1 When two or more Members raise their hand at the same time, the Mayor or Presiding Officer shall designate the Member who in the opinion of the Presiding Officer, was first to be acknowledged.
- 20.2 When the Mayor or Presiding Officer calls for the vote on a Motion, each Member shall be seated and shall remain seated until the result has been announced.
- 20.3 Any Member may require a Motion under discussion and debate to be read out by the Mayor or Committee Chair, or Municipal Clerk at any time during the debate but not so as to interrupt a Member while speaking.
- 20.4 No Member of Council, shall speak to the same Motion, or in reply, for longer than five (5) minutes without approval by the Mayor or Presiding Officer.
- 20.5 A Member may ask a question solely for the purpose of obtaining information relating to the Motion under discussion and such question must be stated concisely and be asked through the Mayor or Presiding Officer.
- 20.6 If the Mayor or Chair desires a Member to preside over a portion of the Meeting for the purpose of taking part in the debate, the Mayor or Presiding Officer shall designate the Deputy Mayor or, if present, or any other Member, who will preside over the Meeting or a specific section of the agenda.
- 20.7 If a Member repeatedly questions the motives of other Members and mentions them by name, or persists in speaking on completely irrelevant matters in debate then the Mayor or Presiding Officer normally should first warn the Member. The Mayor or Presiding Officer should clearly state the breach involved and put the question as to whether the Member should be allowed to continue speaking to the assembly.

## VOTING ON MOTIONS

- 21.1 The manner of determining the decision of the Municipal Council on a Motion shall be by show of hands unless a recorded vote is requested. No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.
- 21.2 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.
- 21.3 Where a recorded vote is requested prior to or immediately to taking of the vote each Member present, except a Member who is disqualified from voting by any Act, shall announce his vote openly, and any failure to vote by a Member who is not disqualified shall be deemed to be a negative vote and the Municipal Clerk shall record each vote.

21.4 When a Member present requests a recorded vote, all Members present at the Council or Committee meeting must vote by random draw by the Clerk or designate. The names of those who voted for and the names of those who voted against shall be noted in the Minutes. The Mayor or Presiding Officer shall announce the results.

21.5 Unless provided otherwise, if there is a tied vote on any question, the vote shall be deemed to be lost.

21.6 Every Member of the Council has the right to vote on all questions, unless such Member has declared a conflict of interest in writing pursuant to the Municipal Conflict of Interest Act.

21.7 Any question having an equal number of votes shall be deemed to have been in the negative.

#### BY-LAWS

22.1 No by-law shall be presented to Council unless the subject matter thereof has been considered and approved by Council or unless the Mayor, or Municipal Clerk determines that the matter is of sufficient urgency, needs to be dealt with in the best interests of the Municipality, or is of a routine nature.

22.2 The Municipal Clerk shall submit to Council a summary of all By-laws proposed for adoption, including the By-law number and title.

22.3 Unless otherwise requested or separated, all By-laws proposed for adoption shall be passed in one single Motion, duly moved and seconded.

22.4 The Clerk shall be responsible for their correctness should they be amended at the Council Meeting.

22.5 Every by-law, when introduced, shall contain no blanks except such as may be required to "conform to accepted procedure or to comply with the provisions of any Act and shall be complete with the exception of the number and date thereof.

22.6 All amendments to any by-laws being approved by Council shall be deemed to be incorporated into the by-law. If the by-law is enacted by Council, the amendments shall be inserted by the Municipal Clerk.

22.7 Every by-law enacted by Council shall be numbered, dated, signed by the Mayor or designate in the Mayor's absence, and by the Clerk or designate in the Clerk's absence. The corporate seal shall be affixed to the by-law and the by-law shall be numbered, dated and deposited by the Clerk for safekeeping.

#### CORRESPONDENCE

23.1 Upon receipt of any letter, or other communication and addressed to Council, the Municipal Clerk shall place the matter on the next available Regular Council Meeting

23.2 Every communication intended to be presented to Council or Committee must be legibly written and must contain the signature and contact address of at least one person and preferably the addresses of all signatories. For all communication

items submitted there shall be a designated contact person to whom the Clerk can communicate on behalf of Council or a Committee.

- 23.3 Any communication within the jurisdiction of a Council shall first be referred by the Clerk to the appropriate Department unless the communication relates to a subject or report scheduled to be considered by Council.

- 23.4 All communications received from other Municipalities requesting endorsement or consideration of their resolution may be added to the appropriate Council Agenda and be received for information and filed as necessary.

- 23.5 Any Member of Council, at any time prior to the preparation of the Agenda, may file in writing an item for inclusion in the Agenda.

- 23.6 The business of the Council shall in all cases be taken up in the order in which it stands upon the Agenda unless otherwise decided by the Council.

#### PETITIONS

- 24.1 Petitions shall include a statement or position that the signatories are supporting, and include legible names and shall not contain any obscene, incorrect, vexatious or improper matter or language.

- 24.2 The individual or group initiating the petition, or submitting the petition to the Municipal Clerk, must provide a key contact name, mailing address, and telephone contact information to the Municipal Clerk.

- 24.3 The signatory's personal information will be redacted from the information published in the agenda.

#### COUNCIL ANNOUNCEMENTS

- 25.1 Council Announcements are added to the Agenda for the sole purpose of informing other Members of Council and the general public on items of interest in each Council Member's respective portfolio. It also provides Council an opportunity to ask questions of clarification only relating to items in a Council Member/Coordinator's portfolio.

#### CLOSED SESSIONS

- 26.1 Meetings or a part of a meeting may be closed to the public by a Motion, if the subject matter being considered pursuant to Section 239 of the Municipal Act, 2001.

Exceptions:

- 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; and
- g) a matter in respect of which a Council, board or 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.

26.2 A meeting of the Regular Council or of a Committee 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; and
2. At the meeting, no Member discusses or otherwise deals with any matter in any way that materially advances the business or decision making of the Council, board or Committee, in accordance with the Municipal Act 2001.

26.3 Public Statement Required for Closed Sessions:

Prior to holding a meeting or part of a meeting that is to be closed to the public the Head of Council or presiding Officer shall state by resolution:

- a) The fact of the holding of the Closed Session;
- b) The general nature of the matter to be considered at the Closed Session;
- c) The specific provision of the Municipal Act 2001 under which meeting in Closed Session is permitted; and
- d) Where the purpose is for education or training that the meeting is to be held in private session, in accordance with the Municipal Act 2001.

26.4 A meeting shall not be closed to the public during the taking of a vote. Despite the preceding, a meeting may be closed to the public during a vote if:

- a) Section 239 (2) of the Municipal Act 2001 permits or requires a meeting to be closed to the public; and
- b) The vote is for a procedural matter or for giving directions or instructions to officials, employees or agents of the Municipality or persons retained under contract by the Municipality.

26.5 The Clerk shall prepare a record of each Closed Session held in Council or Committee, indicating:

- a) The matter discussed;
- b) The specific provision of the Act under which the meeting in Closed Session is held;
- c) The Members in attendance;
- d) The disposition of the matter;



- e) The starting and concluding times for the Closed Session; and
- f) Any other proceedings.

26.6 Confidential Documentation- All information, documentation or deliberations received, reviewed or taken in a Closed Session are confidential including notes and records.

26.7 No Member or Administration shall release or make public any information considered at a Closed Session or discuss the content of such a meeting with persons other than Members of Council, Committee or relevant municipal employees.

26.8 All information, or documentation or deliberation received, reviewed, presented or discussed in a legitimate Closed Session of Council and its Committees is confidential and if disclosed, the person or person's disclosing the information may be disciplined in accordance with the Municipality of Brooke-Alvinston Code of Conduct for Council Members and the Code of Conduct for Municipal Staff Policies.

26.9 Agendas, reports or any items from a Closed Session for Council consideration shall not be released to the public or media.

26.10 Subject to the provision of Section 239 of the Municipal Act 2001, an in- camera item that requires a final decision shall be done by Council resolution or by-law at a future public meeting of Council. However, discussion that took place during a closed session, shall remain confidential

#### ADJOURNMENT

27.11 A Motion to adjourn may be made by a Member who has the floor, requires no seconder and need not be in writing. However, no Motion to adjourn may be made during the taking of a vote on any Motion.

27.12 A Motion to adjourn may not be amended.

27.13 On a Motion to adjourn no Member shall leave their seat until the Chair has declared the meeting adjourned.

#### COMMITTEES—GENERAL

29.1 Council shall determine the appropriate number of Committees, their membership, mandates, purposed, terms of reference and reporting practices.

29.2 Council shall direct the Municipal Clerk to advertise for Committee applications after each election, to fill any vacancies, or expired terms of office on an annual basis, or as vacancies occur throughout the term of Council.

29.3 Council will review the applications under their assigned respective service area of responsibility and will make recommendations for prospective Committee Members from applications received in closed session for appointment by motion at a Regular Council Meeting for their areas of responsibility after each municipal election for any vacancies or expired terms of office or on an as needed basis.

29.4 The role of Committees shall generally be to:

a) Make recommendations to Council on matters which are in their area of jurisdiction that are referred to the Committee by Council or that are in accordance with the Committee mandate, purpose and terms of reference;

b) Request municipal employees, through the Chief Administrative Officer, to provide reports on the direction and nature of policy development, fact findings, analysis and generation of possible alternatives required; and

29.5 The rules governing the procedure of Council and the conduct of Members at Council shall be observed in all Committees so far as they are applicable,

29.6 The Mayor shall be an ex-officio Member of each Committee, shall be counted for quorum purposes and is entitled to vote at such meetings.

29.7 The Mayor shall not be eligible to be the Chair or Vice-Chair of an Advisory Committee.

29.8 Members shall be appointed to Committees and local board by Council for the term of Council or for the term set out in such appointment, and, until their successors are appointed, unless otherwise provided by by-law.

29.9 Council Members who are not Members of a specific Committee may attend meetings of that Committee and may, with the consent of the Chair of the Committee, take part in the discussion, but shall not be counted in the quorum or be entitled to make Motions or to vote at these meetings.

29.10 Committees shall not hold or schedule meetings while Council is in session.

29.11 All Committee Minutes, when approved, are to be sent to the Municipal Clerk (or designate) for record keeping purposes.

29.12 Members shall be appointed to Committees of Council for the term of Council or for the term set out in such appointment and until their successors are appointed.

#### DISBANDING—AD HOC OR SUB-COMMITTEES

30.1 Unless otherwise directed by the Council, an Ad Hoc Committee shall be considered disbanded upon completion of the assigned task(s) and submission of its findings.

30.2 Unless otherwise directed by the Council, a Subcommittee shall be considered disbanded upon completion of the assigned task(s) and submission of its findings.

30.3 This By-law may be referred to as the “Council Procedural By-law”.

#### SEVERABILITY

31.1 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 to be severed from the balance of the by-law, which will continue to operate in full force.

EFFECTIVE DATE

THIS by-law shall become effective upon signing.

REPEAL OF EXISTING BY-LAWS

That By-law Number 34 of 2012 is hereby repealed.

Read a first, second and third time and finally passed this 10<sup>th</sup> day of January 2019.



Mayor

David Ferguson



Clerk Administrator

Janet Denkers