



## **OFFICE CONSOLIDATION**

### **Procedure By-law 160-2004**

**(amended by By-laws 71-2005, 351-2005, 362-2005, 194-2006, 23-2007, 62-2007, 195-2007, 378-2007, 405-2007, 85-2008, 86-2008, 313-2008, 219-2009, 132-2011, 158-2012, 37-2013, 74-2013, 271-2013, 376-2014, 25-2015, 4-2016, 44-2016, 169-2016, 224-2016, 264-2017, 77-2018, 232-2018)**

**To provide rules governing the order and proceedings of the council and the committees of the Council of The Corporation of the City of Brampton (The Procedure By-law 2004) and to repeal By-law 62-81, as amended**

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## **PROCEDURE BY-LAW – By-law 160-2004**

(amended by By-laws 71-2005, 351-2005, 362-2005, 194-2006, 23-2007, 62-2007, 195-2007, 378-2007, 405-2007, 85-2008, 86-2008, 313-2008, 219-2009, 132-2011, 158-2012, 37-2013, 74-2013, 271-2013 376-2014, 25-2015, 4-2016, 44-2016, 169-2016, 224-2016, 264-2017, 77-2018, 232-2018)

To provide rules governing the order and proceedings of the council and the committees of the council of The Corporation of the City of Brampton (The Procedure By-law 2004) and to repeal By-law 62-81, as amended.

WHEREAS subsection 238(2) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, (the “*Municipal Act*”) requires municipalities to pass a procedure by-law governing the calling, place and proceedings of meetings; and,

WHEREAS it is necessary and expedient that there should be rules governing the order and proceedings of the council and the committees of the council of The Corporation of the City of Brampton;

THEREFORE the council of The Corporation of the City of Brampton ENACTS as follows:

### 1. DEFINITIONS

1.1 For the purposes of this by-law,

- (1) “announcement” means any announcement related to an event of interest to the general public, and shall not include a delegation.  
**(By-law 376-2014)**
- (2) “call the question” means that the vote on the motion shall now be taken.
- (3) “chair” means the Mayor or the presiding officer of a meeting.
- (4) “City” means The Corporation of the City of Brampton.
- (5) “City Councillor” means a member of the council who is elected to be a member of the Council of The Corporation of the City of Brampton.
- (6) “City Manager” means the chief administrative officer of The Corporation of the City of Brampton or designate.

- (7) “Clerk” means the clerk of The Corporation of the City of Brampton or designate.
- (8) “closed session” means that part of a meeting closed to the public in accordance with the provisions of the *Municipal Act*.
- (9) “committee” means any standing committee, functional, ad hoc, advisory committee, subcommittee or other committee or similar entity established for a specific purpose. **(By-law 376-2014)**
- (10) “committee recommendation” means a motion passed by a committee during a committee meeting and recommended for adoption by the council.
- (11) “confirming by-law” means a by-law passed immediately prior to adjournment of every meeting of the council to adopt, ratify and confirm the actions of the council at that meeting.
- (12) “Corporation” means The Corporation of the City of Brampton.
- (13) “consent motion” means a single motion to approve the recommendations arising out of a number of items of business on the agenda of a meeting which items are considered to be routine and non-controversial.
- (14) “council” means the council of The Corporation of the City of Brampton.
- (15) “defer”, “deferred” or “deferral”, when used in connection with a matter or item before the council or a committee, means that the said matter or item is to be dealt with later in the same meeting, or at the next meeting of the same body, or at the meeting of the same body that is specified in the motion to defer.
- (16) “delegation” means a person intending to address the council or committee on a matter where a decision of the council may be required.
- (17) “majority vote” means a vote where more than one-half (1/2) of the members who are present and eligible to vote, vote in the affirmative.
- (18) “meeting” means “any regular, special or other meeting of a council, of a local board or of a committee 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.

**(By-law 264-2017)**

- (19) “member” means a member of the council or a committee.
- (20) “motion” means a proposal by a member to resolve and effect a decision.
- (21) “Newspaper” means a printed publication in sheet form published regularly, that, in the opinion of the Clerk, has such circulation within the municipality as to provide reasonable notice to such persons affected by any public notice **(By-law 378-2007)**.
- (22) “open session” means any part of a meeting not in “closed session”.
- (23) “point of order” means a member calling attention to:
  - a) any breach of the rules of order pursuant to this Procedure By-law; or
  - b) any defect in the constitution of any meeting; or
  - c) the use of improper offensive or abusive language; or
  - d) notice of the fact that the matter under discussion is not within the scope of the proposed motion; or
  - e) any other informality or irregularity in the proceedings of the meeting.
- (24) “point of personal privilege” means a member calling attention to a matter relating to:
  - b) statements challenging the integrity of the council, committee or individual members; or
  - c) an individual member (e.g. statements made during the meeting naming that member specifically, comments regarding a member’s character, an incorrect record of a member’s participation in a meeting contained in minutes approved in a member’s absence); or
  - d) the rights and privileges of the council or committee (e.g. the accuracy of published reports of its proceedings; the conduct of its officers, employees or visitors; the comfort of members with respect to heating, ventilation, lighting, noise).
- (25) “proclamation” means a public statement from the Office of the Mayor to proclaim a specific date, week or month in order to acknowledge a significant event, in accordance with the City’s program. **(By-law 376-2014)**

- (26) “public meeting” means a public meeting under the *Municipal Act* or the *Planning Act*, or any other statute that requires the council to hold a public meeting.
- (27) “public notice” means notice given to the public generally as it relates to an intent to act or take action, an action taken or to hold a public meeting related to a subject matter within the jurisdiction of the City, but does not include notice given only to specified persons **(By-law 378-2007)**.
- (28) “public question period” means that part of a meeting where any member of the public may ask a question related to any item on the agenda for that meeting.
- (29) “quorum” means a majority of the members of the council or committee, unless otherwise provided for by resolution pertaining to a specific committee.
- (30) “question period” means that part of a meeting where any member asks questions of municipal staff regarding any matters within the jurisdiction of the committee.
- (31) “recorded vote” means the recording of the name and vote of every member voting on a motion.
- (32) “refer”, “referred”, or “referral” when used in connection with a matter or item before the council or a committee, means that the said matter or item is referred to the body or person named in the motion to refer, for further consideration and action.
- (33) “Regional Councillor” means a member of the council who is elected to be a member of both the Council of The Corporation of the City of Brampton and the Council of the Regional Municipality of Peel.
- (34) “resolution” means the decision of the council on any motion or committee recommendation.
- (35) “two-thirds majority vote” means a vote where at least two-thirds (2/3) of the members present and eligible to vote, vote in the affirmative.
- (36) “web site” means the official City of Brampton Internet Web Site **(By-law 378-2007)**.

- (37) “workshop” means a meeting of council, intended for all members of council, for the purpose of:
- receiving a briefing on municipal business,
  - discussing emerging priorities and issues, including strategic planning; and,
  - training purposes;
- and which shall be conducted in accordance with Section 20 of this by-law **(By-law 195-2007)**.

## 1.2 Interpretation

- (1) A word in this by-law interpreted in the singular number has a corresponding meaning when used in the plural. Words importing a single gender should be read to be inclusive of both genders.
- (2) The Clerk shall be responsible to interpret and administer the rules of procedure under this Procedure By-law.

## 2. COUNCIL AND COMMITTEE MEETINGS – GENERAL

### 2.1 Inaugural Meeting

The inaugural meeting of the council after a regular election shall be held on the first Monday in December at 8:00 p.m., or on such day and time in December prior to the first Monday as may be fixed by resolution of the council in office at the time of the preceding regular election.

### 2.2 Time of First Regular Meeting

The first regular meeting of the council following the inaugural meeting of the newly elected council shall be held on such day and time in December as may be fixed by resolution of the council in office at the time of the regular election preceding the inaugural meeting.

### 2.3. Place of Meetings (By-law 195-2007)

- 1) Regular meetings of the council and standing committees shall be held in the Council Chambers, or other Committee Room at City Hall, 2 Wellington Street West, Brampton.
- 2) Other meetings may be held at any convenient location within or outside the City at the call of the Mayor in accordance with the requirements of this Procedure by-law.



- 3) Public notice of meetings shall be provided as follows:
  - a) notice of meetings shall be published in the annual and monthly calendar of meetings available through the City Clerk's Office, on the City's website, and posted in the Atrium at City Hall
  - b) agendas, including all public attachments, shall be available through the City Clerk's Office, after distribution to the Members of Council
  - c) agendas shall be published whenever possible through the City's website, after distribution to the Members of Council
  - d) any member of the public may obtain a copy of a public matter included on an agenda through the City Clerk's Office, for such charge as may be provided for in the User Fee By-law

#### 2.4 Joint Meetings of Councils

Notwithstanding subsection 2.3, if authorized by resolution prior to the holding of the meeting, the council may meet in joint session with the councils of one or more municipalities for the consideration of matters of common interest. Such meeting may be held in any one of the involved municipalities.

#### 2.5 Standing Committees (By-laws 376-2014, 224-2016, 232-2018)

The following Standing Committees are comprised of the Members of the Council, except the Mayor who shall be an ex-officio member of such committees, as follows:

- 1) Committee of Council, which shall be divided into four sections, each with a Member of Council appointed as Chair and as Vice-Chair(s), and each section to consider and make recommendations to Council for those matters identified:
  - **Community Services Section** – matters within the jurisdiction of the City's Community Services Department, including recreation services, transit services, fire services, as well as Service Brampton and corporate buildings, property services and real estate;
  - **Corporate Services Section** – matters related to services to the Corporation, including finance, administration, information technology, human resources, legal services, corporate operations, public relations and corporate communications; and

also matters related to the enforcement of by-laws and municipal licensing matters;

- **Economic Development and Culture Section** – matters related to economic development, including tourism, film, arts and culture, Small Business Enterprise Centre, competitive policy and business research, and advancing the City’s economic development priorities;
- **Public Works and Engineering Section** – matters within the jurisdiction of the City’s Public Works and Engineering Department, including public works and infrastructure, engineering, construction and maintenance.

The agenda order for the committee sections may be established by Council resolution.

- 2) Planning and Development Committee shall consider and make recommendations to the Council to those matters identified:
  - a) Matters including land use planning, growth management, urban design and operational matters within the jurisdiction of the Chief Building Official;
  - b) Holding of public meetings required by the Planning Act, which shall be conducted in accordance with the rules under the Procedure By-law.

At the commencement of each public meeting, the Chair shall explain the intent of the meeting is to hear the views of the public, and that the members shall not enter into discussion or debate on the subject.

- 3) The Council shall appoint a Chair and a number of Vice-Chairs, as appropriate, of:
  - a) The Planning and Development Committee;
  - b) The Committee of Council sections;

Meetings of each Standing Committee or section shall be chaired by the Chair, pursuant to Section 4 of this by-law and the appropriate Chair or Vice-Chair shall lead discussion of matters under that section.

- 4) At the start and mid-term point of the Council term, the City Clerk shall canvass, for Council approval, Members of Council for their appointment preferences for:

- a) Chairs and Vice-Chairs of Standing Committees and sections, and
  - b) Membership and Chairs of other functional and ad hoc committees, sub-committees, consultative committees and other bodies.
- 5) The rules governing the Council as set out in sections 7, 9 and 10, and the conduct of members as set out in section 11 shall be observed at meetings of the Standing Committees and other committees, insofar as they are applicable, except that:
- a) The Chair shall preside at meetings, or in his absence, the Vice-Chair;
  - b) A motion shall not be required to be in writing;
  - c) A motion shall not be required to be seconded;
  - d) The number of times a member may speak on any item shall not be limited unless a member moves to call the question.”

## 2.6 Other Committees (By-law 376-2014)

- 1) The Council may at any time establish and appoint a committee from time to time for such purpose as deemed appropriate, based on terms of reference considered by Council and approved by resolution or by-law.
- 2) The members required to serve on such a committee shall be appointed by resolution.
- 3) The Mayor is an ex-officio member of any committee established by this subsection.
- 4) Any committee established by this subsection that includes members, who are not exclusively members of Council, shall also comply with the City’s citizen-based advisory committee guideline and appointment procedure, as approved and amended by Council.
- 5) Each committee shall appoint from among its members a chair and vice-chair, or co-chairs, for approval by resolution.
- 6) Committees established by this subsection shall report to a standing committee or the Council, as set out by resolution.
- 7) The rules governing the Council as set out in sections 7, 9 and 10 and the conduct of members as set out in section 11 shall be

observed at meetings of committees, insofar as they are applicable, provided that:

- a) a motion shall not be required to be in writing;
- b) a motion shall not be required to be seconded;
- c) the number of times a member may speak on any item shall not be limited unless a member moves to call the question.

## 2.7 Regular Meetings

- (1) The regular meetings of the council and committees shall be established on an annual basis by the Clerk, and approved prior to the end of the month of September of the previous calendar year.
- (2) The schedule of regular meetings may be subject to the following exceptions:
  - (a) when otherwise directed by resolution of the council; or
  - (b) when the Mayor or chair advises otherwise with 48 hours notice; or
  - (b) in extenuating circumstances, at the call of the Mayor or chair of the committee.
- (3) **(By-law 376-2014)**
  - (a) The Council shall hold two regular meetings each month on the second and fourth Wednesday commencing at 9:30 a.m. **(By-law 4-2016)**;
  - (b)
    - (i) The standing committees shall meet during the first and third weeks of each month commencing at 9:30 a.m. and adjourning no later than 3:30 p.m., except as provided for in subsection 2.10(1) and 2.7(3)(b)(iii);
    - (ii) (Deleted – By-law 195-2007)
    - (iii) The Planning and Development Committee shall meet on the first and third Monday of each month at 7:00 p.m. and 1:00 p.m., respectively. **(By-law 224-2016)**
  - (c)
    - (i) Notwithstanding subsection (3)(b) above, during the months of July and August, the standing committees shall not meet, and matters which would be heard by that committee shall be directed to a meeting of the Council, or at such other date and time as may otherwise be provided for by resolution;
    - (ii) Notwithstanding subsection (3)(b) above, during the month of December, one regular meeting of the standing committees shall be held on the Wednesday

during the first week of the month commencing at 9:30 a.m. and adjourning no later than 3:30 p.m., except as provided for in subsection 2.10(1), or at such other date and time as may otherwise be provided for by resolution;

(d) Notwithstanding subsection (3)(d) above, during the months of July, August and December, one regular meeting of the Planning and Development Committee shall be held on the second Monday of the month commencing at 7:00 p.m., or at such other date and time as may otherwise be provided for by resolution. **(By-law 224-2016)**

(4) (a) (i) Notwithstanding subsection (3)(a) above, during the months of July and August, one regular meeting of the council shall be held on the second Wednesday of the month commencing at 9:30 a.m., or at such other date and time as may otherwise be provided for by resolution. **(By-law 4-2016)**

(ii) Notwithstanding subsection (3)(a) above, during the month of December, one regular meeting of the council shall be held on the second Wednesday of the month commencing at 9:30 a.m., or at such other date and time as may otherwise be provided for by resolution. **(By-law 4-2016)**

(b) (i) Notwithstanding subsection (3)(b) above, during the months of July and August, the Committee of Council shall not meet, and matters which would be heard by that committee shall be directed to a meeting of the council, or at such other date and time as may otherwise be provided for by resolution.

(ii) Notwithstanding subsection (3)(b) above, during the month of December, one regular meeting of the Committee of Council shall be held on the 1<sup>st</sup> Wednesday of the month commencing at 9:30 a.m. and adjourning no later than 3:30 p.m., except as provided for in subsection 2.10(1), or at such other date and time as may otherwise be provided for by resolution.

(c) Notwithstanding subsection (3)(d) above, during the months of July, August and December, one regular meeting of the

Planning, Design and Development Committee shall be held on the second Monday of the month commencing at 7:00 p.m., or at such other date and time as may otherwise be provided for by resolution.

- (d) Notwithstanding subsection (3) above, in the year of a municipal election, no regular meetings of the council or standing committees shall be held after the Wednesday following Thanksgiving Day, until the inaugural meeting of the new council **(By-law 362-2005)**.
- (5) Notwithstanding subsection 2.7(3), when a regular meeting would fall on a public or civic holiday, the council or committee, as the case may be, shall meet at the same hour on the Wednesday immediately following the public or civic holiday, unless otherwise provided for by resolution.
- (6) Notwithstanding the subsections (1) through (5) above, the Clerk may:
  - (a) on direction from the chair, cancel a regular meeting by giving notice of cancellation to the members and to the public,
  - (b) in consultation with the chair, appoint a different time of commencement for a meeting other than the one required by this subsection, should the need arise to do so,
  - (c) move the time of the commencement of a meeting ahead of its appointed time of commencement, but only if all delegations listed on the agenda for that meeting, and all members of the council or committee, other than the ones who have notified the Clerk of their intention not to attend, are available to be present,
  - (d) delay the time of the commencement of a meeting of any committee beyond its appointed time of commencement if the preceding meeting of another committee continues past the time scheduled for the commencement of the next committee meeting.
- (7) **(Deleted – By-law 23-2007)**

## 2.8 Special Meetings **(By-law 195-2007)**

- (1) The Mayor may at any time summon a special meeting of the council upon twenty-four (24) hours notice to the members of the council, which notice shall be given through the Clerk, and which

notice shall set out the item(s) to be considered at the special meeting.

- (2) Upon receipt of a petition of the majority of the members of the council, the Clerk shall summon a special meeting for the purpose and at the time set out in the petition, provided that the Clerk shall provide a minimum of twenty-four (24) hours notice to the members of the council of the call of the meeting.
- (3) The chair of a committee may, at any time summon a special meeting of that committee, upon twenty-four (24) hours notice to the members, which notice shall be given through the Clerk, and which notice shall set out the item(s) to be considered at the special meeting.

## 2.9 Closed Sessions (By-law 195-2007)

- (1) A part of a meeting may be closed to the public if the subject being considered is so authorized to be considered in a closed session pursuant to the provisions of the *Municipal Act*, or any other applicable statute, and such meeting shall be called a “closed session” meeting.
- (2) 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*, or other applicable legislation, which authorizes each item to be considered at the closed session.
- (3) The Clerk shall prepare, and have approved by the City Solicitor or designate, 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*, or other applicable legislation, which authorizes each item to be considered at the closed session. **(By-law 132-2011)**
- (4) 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. **(By-law 376-2014)**
- (5) No item may be added to an agenda for a closed session without the prior approval of the City Solicitor or designate. **(By-law 132-2011)**
- (6) Before a meeting is closed, a motion shall be carried as to:
  - (a) the fact of the holding the closed meeting; and
  - (b) the subsection(s) of the *Municipal Act*, which authorizes each item to be considered at the closed session.

- (7) Once in a closed session, no item may be added to the agenda for that closed session.
- (8) Subject to subsection (9) below, a meeting shall not be closed to the public during the taking of a vote.
- (9) Despite subsection (8) above, during a closed session, a vote may be taken for a procedural matter or for giving directions or instructions to the council or a committee, officers, employees or agents of the City or persons retained by or under contract with the City.
- (10) Minutes shall be kept of all closed sessions, identifying the members present and absent, and the senior staff 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 given pursuant to subsection (9) above.
- (11) 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.
- (12)
  - (a) The council or a committee, rather than moving into a closed session, may simply acknowledge the items, without full discussion, on a closed session agenda, and may give direction in accordance with a recommendation included in a report on a closed session agenda, without moving into closed session.
  - (b) When the option in subsection (a) above has been exercised, the record will include a "Note to File" that will indicate the steps taken.
- (13) For discussion of items regarding confidential matters related to an individual employee during a closed session, the Chief Administrative Officer will designate which staff members may be present and the Chief Administrative Officer may, if appropriate, be the designate of the Clerk for that portion of the closed session.
- (14) The Clerk may require that copies of any reports or documents circulated at a closed session regarding confidential matters related to an individual employee shall be collected by the Clerk and destroyed.



- (15) The Clerk shall be responsible to maintain a confidential copy of all agendas and minutes of closed sessions.
- (16) (a) Any request from a person for an investigation into whether a Council or Committee meeting or part of a meeting, was closed to the public contrary to the *Municipal Act, 2001*, shall be referred by the Clerk to the Investigator appointed by Council for that purpose;
- (b) Should the Investigator report a meeting, or part thereof, has been, in their opinion, closed to the public contrary to the *Municipal Act, 2001*, the Council shall pass a resolution stating how the report shall be addressed.

**(By-laws 405-2007).**

#### 2.10 Length Of Meetings

- (1) Subject to a motion to extend, if any **(By-law 195-2007)**:
  - (a) a meeting shall not carry on past 11:55 p.m.;
  - (b) deleted **(By-law 376-2014)**
- (2) Ten (10) minutes prior to the times set out in subsection (1) above, discussion on the item then being considered shall be suspended for the purpose of dealing with the matters set out in subsection (1) above only.
- (3) Notwithstanding subsection (1) above, where a motion to continue is not approved, the meeting shall adjourn only after:
  - (a) a motion to adjourn the meeting to another date and time has been passed; and
  - (b) in the case of a meeting of the council, all the by-laws arising out of business dealt with by the council at that meeting to the time of the proposed adjournment have been presented and dealt with by the council; and
  - (c) in the case of a meeting of the council, a confirming by-law of the proceedings of that meeting up to the time of the proposed adjournment has been presented and dealt with by the council.
- (4) The items on the agenda for a meeting adjourned before all items have been dealt with, shall be placed on the agenda for the next meeting.

## 2.11 Minutes Of Meetings

- (1) The Clerk shall prepare minutes of all meetings which shall record:
  - (a) The place, date and time of meeting,
  - (b) The name of the chair and vice-chair, or co-chairs, and the attendance of the members,
  - (c) The name of the recording secretary and senior staff present,
  - (d) The proceedings of the meeting, without note or comment, and
  - (e) The time of adjournment.
- (2)
  - (a) The minutes of each meeting of the council shall be presented to the council at the next regular meeting for approval.
  - (b) Notwithstanding subsection (a) above, if the meeting of the council is less than five (5) days prior to a regular meeting of the council, the minutes may be presented to the meeting of the council at the next following regular meeting for approval.
- (3) The presence or absence of the Mayor shall not be shown in the record of attendance for meetings of the standing committees.
- (4) After the minutes of each meeting of the council have been approved by the council, the minutes shall be signed by the Mayor and Clerk.
- (5)
  - (a) The minutes of each meeting of a standing committee shall be presented to the council at the next regular meeting for approval of the recommendations therein and receipt of the minutes.
  - (b) The Chair, or appropriate Vice-Chair, of the Standing Committee or section of the Committee of Council, shall report to Council, during Committee Reports and for a period not to exceed five minutes unless approved by Council, with an overview of the significant business and recommendations of the Committee or section without an item-by-item review. Notwithstanding, the Council may debate and amend, if appropriate, any matter contained within the minutes. **(By-laws 376-2014, 224-2016)**
  - (c) After the minutes of each meeting of the standing committee have been approved by the council, the minutes shall be signed by the chair.

- (6)
  - (a) The minutes of each meeting of other committees shall be presented to the appropriate standing committee or the council at the next regular meeting for approval of the recommendations therein and receipt of the minutes.
  - (b) The standing committee or the council may debate and amend, if appropriate, any matter contained within the minutes.
  - (c) After the minutes of each meeting have been received by the council, the minutes shall be signed by the chair.
- (7) The Clerk is authorized to make:
  - (a) Minor technical or clerical corrections to the minutes after they have been adopted by Council, with appropriate notation included in the minutes identifying the correction, so long as the intent and integrity of the information and/or resolution is not changed. **(By-law 86-2008)**
  - (b) Minor deletions, additions, or other changes in form to any by-law before the by-law is signed, sealed, numbered, and enacted as a by-law, for the purpose of ensuring correct and complete implementation of the actions that form the subject matter of the by-law. **(By-law 86-2008)**
- (8) The Clerk shall maintain a list of outstanding business referred or deferred by Council or a standing committee and shall report quarterly to the Council or standing committee with the list, status, resolution and/or expected reporting date of the outstanding business referred or deferred.
  - (a) Any outstanding business referred or deferred at the end of the term of Council shall be deemed resolved, unless Council decides otherwise.  
**(By-law 376-2014)**

## 2.12 Conflicts of Interest

- (1) (a) A member shall declare a conflict of interest in accordance with and subject to the provisions of 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;

- 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.
- (b) At a meeting at which a member declares a conflict of interest, as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the clerk and the clerk shall maintain a registry of written statements for public inspection, in accordance with the *Municipal Conflict of Interest Act*.

**(By-law 232-2018)**

- (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, subject to the provisions of the *Municipal Conflict of Interest Act*.

**(By-law 232-2018)**

- (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.

2.13 Absent Member May Appoint

By notifying the Clerk (either orally or in writing) before the commencement of a meeting, a member of the council may designate another member of the council to attend a committee meeting on his or her behalf and the member of the council so designated shall be deemed to be a member of the committee for the purposes of that meeting.

2.14 Absence From Meeting

The members of the council or committee shall inform the Clerk of all planned absences, late arrivals, and early departures from a meeting in order that the recording of the minutes of such meeting may accurately reflect attendance (ie. vacation, illness, other municipal business, personal).

In the case of absence by reason of "other municipal business" or "personal", the members may also advise the Clerk of the general nature of the matter for recording in the meeting minutes. **(By-law 44-2016)**

## 2.15 Attendance Requirement

- (a) Should any member of a committee, who is not a member of the council, fail to attend three consecutive regular meetings of that committee without authorization from the council by resolution, that person's membership on the committee is terminated and the council shall appoint a new person to fill that vacancy.
- (b) Should the council, by resolution, authorize a member of a committee, who is not a member of the council, to be absent from meetings of the committee for more than three consecutive meetings, the council may appoint another person to fill that temporary vacancy.

## 2.16 Process to Appoint and Regulate an Alternate Council Member for a Regional Councillor (By-law 264-2017)

- (1) Council may, during its term, appoint one (1) City Councillor to serve as an Alternate Council Member ("alternate member") for the absence of a Brampton Regional Councillor at a meeting of the Regional Council for any reason, in accordance with Section 268 of the *Municipal Act, 2001*.
- (2) The provisions of Section 19 of the procedure by-law apply, with necessary modifications identified by the Clerk, to appoint an alternate member for a Regional Councillor. Only one (1) alternate member may be appointed at any one time for the term of Council. Should the seat of the alternate member become vacant, then Council may appoint another City Councillor to act as the alternate member.
- (3) The alternate member shall only be used for an absence of a Regional Councillor from a Region of Peel Council meeting.
- (4) If more than one Regional Councillor is absent, the alternate member may only substitute for one of the absent Regional Councillors.
- (5) The alternate member only applies to short-term substitutions when a Regional Councillor is absent from a Region of Peel Council meeting for any reason (planned or unforeseen). Section 267 of the *Municipal Act, 2001*, may also apply and may be considered for longer-term absences.

- (6) A Regional Councillor shall simultaneously notify (in writing) the City Clerk, Regional Clerk, alternate member and Regional Chair of the absence as soon as possible before the scheduled commencement of a Region of Peel Council meeting.
- (7) Only one designation of an alternate member replacement can occur for each Regional Council meeting.
- (8) The City Clerk shall notify (in writing) all Brampton Regional Councillors of the designation of the alternate member for the Regional Council meeting.
- (9) If the Regional Councillor, who was to be absent, and after notification has been provided in writing:
  - (a) attends the Regional Council meeting before the start of the meeting, the alternate member shall immediately withdraw from the meeting and the Regional Councillor shall assume his or her seat at the Regional Council meeting, or
  - (b) attends the Regional Council meeting after the start of the meeting, will be subject to the rules of the Region of Peel Council in regard to the formal representation status of the Regional Councillor and alternate member at that meeting.
- (10) The alternate member, while serving on Regional Council, will not receive additional remuneration from the City of Brampton, and will be subject to all the applicable Region of Peel policies and procedures at the discretion of the Regional Clerk.

### 3. MAYOR NOT PRESENT

- 3.1 When the Office of the Mayor is vacant, or when the Mayor is unable to carry on their duties through illness or otherwise, or when the Mayor is absent from the office in the course duties, or on vacation or an approved leave, there shall be an Acting Mayor who shall have all the powers and duties of the Mayor, with respect to the role of presiding at meetings. **(By-law 264-2017)**
- 3.2 At the beginning of each term of the council, the Clerk shall prepare and circulate a list setting out the month(s) during which each member of the council may be called upon to hold the position of Acting Mayor.

- 3.3 The aforementioned Acting Mayor list shall be prepared by listing the City Councillors in alphabetical order, followed by the Regional Councillors in alphabetical order.
- 3.4 Should any designated member be unable to carry out the duties of Acting Mayor, the designation of Acting Mayor will automatically pass to the next member on the alphabetical listing.

#### 4. ORDER OF BUSINESS AT MEETINGS

##### 4.1 Format of Agenda (By-laws 376-2014, 25-2015, 232-2018)

- 1) For each regular meeting of the Council, the Clerk shall have prepared and provided electronically where possible, an agenda with a list of all items to be considered in the following headings:
  - A. Approval of Agenda
  - B. Declarations of Interest
  - C. Adoption of the Minutes
  - D. Consent Motion
  - E. Announcements
  - F. Delegations
  - G. Reports from the Head of Council
  - H. Reports of Corporate Officials
  - I. Reports of Accountability Officers
  - J. Committee Reports
  - K. Unfinished Business
  - L. Correspondence
  - M. Resolutions
  - N. Notices of Motion
  - O. Petitions
  - P. Other Business/New Business
  - Q. Procurement Matters
  - R. Regional Council Business
  - S. Public Question Period
  - T. By-laws
  - U. Closed Session
  - V. Confirming By-Law
  - W. Adjournment
- 2) For each special meeting of the Council, the Clerk shall have prepared and provided electronically where possible, an agenda with a list of items to be considered in the appropriate headings, but in any case shall include the following in the appropriate order:
  - Approval of Agenda
  - Declarations of Interest

- Public Question Period
- Confirming By-Law
- Adjournment

- 3) (a) For each regular or special meeting of a committee, the Clerk shall have prepared and provided electronically where possible, an agenda with a list of all items to be considered under such headings as may be established by the Clerk to effectively manage the business to be considered, but in any case, the agenda shall include the following in the appropriate order:
- Approval of Agenda
  - Declarations of Interest
  - Consent Motion
  - Announcements
  - Regional Council Business
  - Public Question Period
  - Adjournment
- (b) deleted.

#### 4.2 Consent Motion

- (1) The agenda for a meeting shall identify by asterisk (\*) those items which are considered to be routine and non-controversial and may be approved by a single motion.
- (2) Any member, before the consent motion is voted on, may remove any number of items of business from the consent motion and each such item shall be dealt with separately and pursuant to section 9 in the order in which the item appears on the agenda.
- (3) Any member, before the consent motion is voted on, may add to the consent motion, any number of items of business from the agenda.
- (4) In the event that a member declares a conflict of interest on an item that is included in the consent motion, that item shall be removed from the consent motion and dealt with separately and pursuant to section 9 in the order in which the item appears on the agenda.
- (5) No matter which requires binding funding commitments for which there is no previously approved funding, unless Council retains its discretion to consider the funding at a future date, shall be included on a consent motion.



#### 4.3. Announcements (By-law 376-2014)

- (1) In the event that a member of the public wishes an announcement to be made at a Council or standing committee meeting, the request and the details shall be received, in writing in a form established by the City and shall include a Member of Council sponsorship, by the Clerk no later than 4:30 p.m. on the Tuesday of the week preceding the meeting.
- (2) It shall be the decision of the Clerk, in consultation with the Mayor, whether the announcement will be included on the agenda, and the Clerk shall notify the sponsoring Member and the person who requested the announcement of the decision made.
- (3) A Member of Council shall be permitted to sponsor only one announcement per Council meeting.
- (4) When an announcement is to be included on the agenda, the Clerk shall make the appropriate arrangements with the sponsoring Member of Council and the member of the public who made the request.
- (5) The agenda shall list the name of the member of the public to make the announcement, the name of the sponsoring Member and the general nature thereof.
- (6) The Member of Council shall be permitted not more than one minute to introduce the announcement and the member of the public making the announcement shall be limited to speaking not more than two minutes.
- (7) The chair or sponsoring Member of Council shall respond on behalf of the Council and no other member shall speak.

#### 4.4. Proclamations (By-law 376-2014)

- (1) Proclamations issued by the Mayor, on behalf of the City and Council, and in accordance with the City's approved program, shall be listed on a Council agenda identifying the nature of the proclamation and receiving organization or representative, for reference purposes only.

#### 4.5 Delegations

- (1) Any person may, by written notice to the Clerk, request an opportunity to address the members of the Council on any matter within the jurisdiction of the City.
  - (a) A Member of Council may request an opportunity to address a standing committee on any new business matter within the jurisdiction of the City, in accordance with this section, with such item listed on the appropriate standing committee agenda as a “discussion item”.

#### **(By-law 376-2014)**

- (2)
  - (a) Every request to be a delegation shall be received by the Clerk no later than 4:30 p.m. on the Tuesday of the week preceding 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.
  - (b) Notwithstanding subsection (a) above, no delegation shall be permitted when the subject matter to be addressed relates to a recommendation of any tribunal that has conducted a hearing under the *Statutory Powers Procedure Act* **(By-law 351-2005)**.
- (3) For the purposes of subsections (1) and (2) above, it shall be the decision of the Clerk, in consultation with the Mayor, whether a delegation will be included on an agenda.
- (4) The Clerk shall direct any delegation approved under subsection 3 above to the appropriate committee. Any delegation request to Council regarding new business, not already listed on a Council meeting agenda, shall be directed to the appropriate committee, unless Council decides otherwise by resolution. **(By-law 376-2014)**
- (5) The Clerk shall notify the person who requested the delegation of the decision made under subsection (3) above, and if appropriate, the date and time of the committee to which the delegation is directed under subsection (4) above.
- (6)
  - (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, preferably in writing, for delegation shall be accepted by the Clerk until the agenda for that meeting has been finalized for printing purposes. **(By-law 132-2011)**

- (b) In the event that a request for delegation, preferably in writing, wishing to address an item already on the agenda is received after the agenda has been finalized for printing purposes, the Clerk shall accept such request and shall provide a list of such delegations, in the order they were received, to Council or committee at or before the meeting, and they shall be added to the agenda notwithstanding Section 4.10. **(By-law 132-2011)**
- (c) At the time a delegation is heard regarding a matter which is the subject of a staff report, the chair may request that staff first provide an overview of the staff report.
- (d) No delegation shall be permitted to make a request for financial assistance from the Corporation and shall be advised that any such request must be submitted in writing to the Chief Operating Officer and will be administered within the context of existing policies and procedures. **(By-law 271-2013)**
- (7) Where notice has been published under the provisions of the *Municipal Act* and in accordance with this by-law, that a public meeting is to be held, or that there is an intention to consider a matter, the fact that there may be possible delegations regarding that notice shall be listed on the agenda for that meeting under Delegations on the agenda, and any person present to address that matter shall be heard **(By-law 86-2008)**.
- (8) (a) A delegation to a committee 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. **(By-law 376-2014)**.
- (9) Where a particular matter is expected to generate a large number of delegations (namely, ten (10) delegations or more), the council may pass a resolution to hold a special meeting in order to afford all delegations an opportunity to address the committee.

- (10) The priority in which delegations are listed on the agenda shall be in accordance with the following:
- (a) delegations, if any, in response to a public notice referred to in subsection (7) above (**By-law 195-2007**);
  - (b) delegations arranged for in accordance with this subsection, in the order in which written notice was received by the Clerk;
  - (c) such other order as may be determined by the Clerk in order to facilitate the efficient management of the matters to be heard.
- (11) A delegation shall sit or stand, as may be appropriate, at a place usually reserved for that purpose or as may be directed by the chair.
- (12) No delegation shall:
- (a) speak disrespectfully of any person;
  - (b) use offensive words or unparliamentary 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.
- (13) (a) A delegation shall be limited to speaking not more than five minutes.
- (b) Notwithstanding subsection (a) above, if a delegation has not completed his presentation within the time allotted, the chair, 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 chair and members may so determine.
- (14) 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.
- (15) The chair may 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.

#### 4.6 Correspondence and Petitions

- (1) Every item of correspondence and every 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 item of correspondence and every petition shall be received by the Clerk no later than 4:30 p.m. on the Tuesday of the week preceding the meeting and, if, in the opinion of the Mayor, it contains any obscene or improper matter or language, the Mayor shall decide whether it should be included on the agenda. Any correspondence or petition regarding an item already on the agenda, and received after the agenda has been finalized for printing purposes and before the start of the meeting, shall be accepted and the Clerk shall provide the correspondence or petition to Council or committee at or before the meeting, and they shall be added to the agenda notwithstanding Section 4.10. **(By-law 132-2011)**
- (3)
  - (a) Any item of correspondence or petition within the jurisdiction of a committee shall be referred by the Clerk directly to the appropriate committee, unless the matter relates to a subject or a report already scheduled to be dealt with by the council.
  - (b) Any correspondence received from municipalities and local boards outside of the Region of Peel and requesting endorsement or consideration of a resolution shall:
    - (i) be circulated to each member of the Council and as directed by the Chief Administrative Officer;
    - (ii) be placed on the agenda for a meeting of the Council or committee, only at the request of a member of the council or the Chief Administrative Officer; and,
    - (iii) deleted.**(By-law 376-2014)**
- (4) No item of correspondence requesting financial assistance from the Corporation shall be submitted to council or committee for consideration and the author of such correspondence shall be advised that any such request must be submitted in writing to the Chief Operating Officer and will be administered within the context of existing policies and procedures. **(By-law 271-2013)**

#### 4.7 Unfinished Business

- (1) Any item on an agenda not disposed of shall be noted and repeated on each subsequent agenda, together with the date of its first appearance, until fully disposed of, unless removed from the agenda by resolution of the council.
- (2) Any item referred to another meeting for disposition shall be included on the agenda for that meeting, together with information as to how the item came to be included on the said agenda.

#### 4.8 Public Question Period (By-laws 376-2014, 25-2015, 77-2018)

- (1) The agenda for each Council and committee meeting shall include a public question period during which any member of the public may ask a question related to any decision made by Council or recommendation made by committee on the agenda for that meeting or the section of the meeting as applicable, except a matter dealt with in a closed session
- (2)
  - (a) The maximum time allocated for public questions for Council and other committees, except for Committee of Council, shall be fifteen (15) minutes, unless, by unanimous consent of the members present, the Council or committee agrees to extend that time limit
  - (b) The agenda for Committee of Council shall include a public question period for each of the sections referenced in subsection 2.5(1), each to be held in the appropriate order, in addition to a public question period for the entirety of the Committee of Council meeting to be held immediately prior to consideration of items under the Closed Session heading. The maximum time allocated for each public question period in Committee of Council shall be five (5) minutes, unless by unanimous consent of the members present the committee agrees to extend that time limit for the question period.
- (3) Any member of the public asking a question during public question period shall first state their name for the meeting record and succinctly state the question related to the decision or recommendation made at that meeting

#### 4.9 Delivery of Agenda

It shall be the duty of the Clerk to ensure that the agenda for a regular meeting prepared in accordance with subsection 4.1 shall be mailed or

delivered to each member not less than forty-eight (48) hours before the hour appointed for the holding of such regular meeting.

#### 4.10 Additions to an Agenda

- (1) Additions to the agenda for a meeting of the council may be permitted by a two-thirds (2/3) majority vote. **(By-law 158-2012)**
- (2) Additions to the agenda for a meeting of a committee may be permitted by a two-thirds (2/3) majority vote.
- (3) Notwithstanding subsections (1) and (2) above, a Notice of Motion may be added to an agenda with a two-thirds (2/3) majority vote provided the motion is to be dealt with at a subsequent meeting.

#### 4.11 Change in Order of Business

A change in the order of items listed on the agenda may be permitted on a majority vote.

### 5. CALLING A MEETING TO ORDER AND QUORUM

- 5.1 The chair shall call the meeting to order as soon after the hour fixed for the holding of the meeting that a quorum is present.
- 5.2
  - (a) For a meeting of the council, in the event the Mayor does not attend within fifteen (15) minutes after the time appointed for a meeting, the Acting Mayor shall assume the chair for the meeting and call the meeting to order and shall preside until the arrival of the Mayor and, while presiding, shall have all the powers of the Mayor.
  - (b) For a meeting of a committee, in the event the chair does not attend within fifteen (15) minutes after the time appointed for a meeting, the co-chair or vice-chair, or other member, shall assume the chair for the meeting and call the meeting to order and shall preside until the arrival of the chair and, while presiding, shall have all the powers of the chair.
- 5.3 A majority of the members are required to be present and seated in order to constitute a quorum.
- 5.4 If a quorum is not achieved within one half (1/2) hour after the time appointed for the commencement of the meeting, the Clerk shall record the names of the members present and the meeting shall not be called to

order. All items on the agenda shall be included on the agenda for the next regular meeting or special meeting as the case may be.

- 5.5 If during the course of a meeting, the quorum is lost, then the meeting shall stand recessed and shall reconvene when a quorum is regained. In the event that the quorum is not regained within thirty (30) minutes, then the Clerk shall record in the minutes the names of those present and the meeting shall be ended without formal adjournment.
- 5.6 (a) In the case of a meeting of the council, if a meeting ends because the quorum is lost, and no confirming by-law has been passed, all items on the agenda for that meeting shall be placed on the agenda for the next regular meeting or special meeting as the case may be.
- (b) In the case of a meeting of committee, if a meeting ends because the quorum is lost, the items on the agenda for that meeting:
  - that were dealt with will be included in the minutes of the meeting with any recommendations therefrom, and
  - that were not dealt with shall be placed on the agenda for the next regular meeting or special meeting as the case may be.
- 5.7 The minutes of a meeting which ended because the quorum was lost, shall note the time that the quorum was lost and shall include the names of the members present at the time the quorum was lost.

## 6. DUTIES OF THE CHAIR

It shall be the duty of the chair of a meeting to:

- 6.1 open the meeting by taking the chair and calling the meeting to order;
- 6.2 ensure that a quorum is established and is maintained throughout the course of the meeting;
- 6.3 chair the meeting;
- 6.4 announce the business in the order in which it is to be considered;
- 6.5 direct discussion such that all comments shall be through the chair;
- 6.6 receive and submit, in the proper manner, all motions presented by the members, in accordance with section 9;



- 6.7 put to vote all motions which are moved, and seconded when necessary, or all motions that arise in the course of the proceedings, and to announce the results of the votes;
- 6.8 decline to put to vote motions that infringe upon the rules under this Procedure By-law;
- 6.9 restrain the members, when engaged in debate, within the rules of order under this Procedure By-law;
- 6.10 enforce on all occasions the rules and the observance of order and decorum amongst the members, and the conduct of members in accordance with section 11;
- 6.11 undertake all matters required to permit the meetings to proceed in an orderly and efficient manner;
- 6.12 authenticate by signature, when necessary, all applicable by-laws, resolutions and minutes;
- 6.13 recess the meeting for a minimum of ten minutes after two and one-half (2 1/2) hours has passed, unless there is unanimous consent to continue without such;
- 6.14 adjourn the meeting when the business is concluded or at the designated time in accordance with subsection 2.10(1);
- 6.15 adjourn the meeting without question or suspend the meeting to a time to be named by him, if he considers it necessary, because of grave disorder.
- 6.16 in the case of a standing committee meeting, introduce an agenda item or report to the committee for consideration before debate, and may request the vice-chair of the standing committee to do the same. **(By-law 376-2014)**

## 7. RULES OF DEBATE IN COUNCIL MEETINGS

### 7.1 Chair at Meetings

The Mayor shall chair at meetings of the council, and in her absence, the Acting Mayor shall chair.

### 7.2 Speaking at Meetings

- (1) Every member, prior to speaking to any matter or motion, shall ask leave of the chair to so speak.

- (2) When a member is speaking, no other member shall pass between him and the chair or interrupt the member speaking except to raise a point of order or personal privilege.
- (3) When a member desires to address a point of personal privilege, the member shall ask permission of the chair to raise a point of personal privilege. Once permission is granted, the member shall state the point of personal privilege to the chair and the point of personal privilege shall be immediately decided by the chair.
- (4) Thereafter, a member shall only address the chair for the purpose of appealing the chair's decision to the council or committee.
- (5) If no member appeals the decision of the chair, the decision of the chair shall be final.

### 7.3 Number of Times a Member May Speak

- (1) A member may initially speak on an item of business or motion for five (5) minutes.
- (2) No member shall speak more than once on an item of business until every member who desires to speak has spoken.
- (3) Any member, including the mover of the motion, wishing to speak on an item of business a second time may do so for a further five (5) minutes.

### 7.4 Member Asking a Question

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 chair, or through the chair.

### 7.5 Member To Be Present For Voting

When the chair calls for a vote on a motion, each member shall occupy his seat and shall remain in his place until the chair has declared the result of the vote, and during such time, no member shall walk across the room or speak to any other member or make any noise or cause any disturbance.

### 7.6 Stating The Motion To Be Voted On

Immediately preceding the taking of a vote, the chair may state the motion in the form introduced, and the manner in which it is to be recorded in the

minutes, and shall, if required by a member, state the motion in the precise form.

7.7 No Member Shall Speak Until The Vote Is Taken

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

7.8 Splitting the Motion

A member may request that a separate vote shall be taken upon each proposal contained in a motion and the vote shall then be taken on each proposal.

7.9 Every Member Present Must Vote

Every member present, when a motion is put, shall, in accordance with the *Municipal Act*, vote thereon unless prohibited by law.

7.10 Manner of Voting

The manner of determining the decision of the council on a motion shall be at the discretion of the chair, and may be by show of hands, standing, or otherwise.

7.11 Member Who Does Not Vote Deemed To Vote In The Negative

If any member present does not vote when a vote is taken, he shall be deemed as voting in the negative, except where he is prohibited from voting by law.

#### 7.12 Recorded Vote

- (1) Any member may request that a recorded vote be taken on any motion.
- (2) When a recorded vote is requested by a member, the Clerk shall call for each member in favour of the motion to rise and be counted and shall then call for each member opposed to the motion to rise and be counted and shall record the name and vote of every member on the motion, or may use such alternative electronic means for voting to record each member in favour and opposed to the motion, and shall announce the result so that the vote of every member is public. **(By-law 132-2011)**
- (3) Any member present who does not vote to indicate that he is in favour of, or opposed to, the motion, shall be deemed as voting in the negative and shall be recorded as voting in the negative, except where he is prohibited from voting by law. **(By-law 132-2011)**

#### 7.13 Tie Vote Loses

In the event that the number of members voting in favour of and the number opposing a motion are equal, that motion will not carry and is deemed to have “lost”.

#### 7.14 Member Disagrees With Announcement Of The Vote

If a member disagrees with the announcement of the chair that a motion is carried or lost he may, but only immediately after the declaration by the chair, object to the chair's declaration and request that the vote be retaken.

#### 7.15 Member Disregards The Rules

- (1) If a member:
  - disregards the rules under this Procedure By-law, or
  - disregards a decision of the chair on points of order or privilege, or
  - upon the interpretation of the rules under this Procedure By-law, andpersists in such inappropriate conduct, after having been called to order by the chair, then the chair shall forthwith take a vote, with no amendment, adjournment or debate, for the purpose of deciding whether to order such member to leave his seat for the duration of the meeting

- (2) If a member is ordered to leave his seat for the duration of a meeting, and if the member apologizes, he may, by a further majority vote, be permitted to retake his seat and continue participating in the meeting.

## 8. NOTICE OF MOTION

- 8.1 Any member may request the Clerk to include a motion on an agenda for a meeting no later than 4:30 p.m. on the Tuesday of the week preceding a meeting at which the motion is to be introduced.
- 8.2 The motion shall be submitted to the Clerk in writing over the signature of the mover and seconder and shall be complete and correct.
- 8.3 The motion shall be printed in full on the agenda for the next meeting and may be considered at that time.
- 8.4 The motion shall be printed in full on the agenda for each succeeding meeting until the motion is considered or otherwise disposed of.
- 8.5 When a member's motion has been called by the chair at two successive meetings and not proceeded with, it shall be removed from the agenda unless the council or committee, by majority vote, otherwise decides.

## 9. MOTIONS

### 9.1 Motion At Meeting Of The Council To Be In Writing And Seconded

A motion, in a meeting of the council, shall be in writing and formally moved and seconded before it will be recorded in the minutes, and before the chair will take the vote on the motion.

### 9.2 Motion To be Read Or Stated

When a motion is presented in a meeting of the council in writing it shall be read by the chair or, if it is a motion, which may be presented orally, stated by the chair before debate.

### 9.3 Motion In Possession Of The Council

After a motion is read or stated by the chair, it shall be deemed to be in possession of the council or committee, as the case may be, but may, with the permission of the council or committee, as the case may be, and the

member who moved the motion, be withdrawn at any time before decision or amendment is made.

#### 9.4 Motion To Amend

A motion to amend:

- (1) may be introduced without notice;
- (2) shall be in writing and signed by the mover and seconder if in a meeting of the council, or shall be with the approval of the mover if in a meeting of committee;
- (3) shall be disposed of by the council or committee before a previous amendment or the main motion;
- (4) shall be relevant to the main motion to be received;
- (5) shall not be received if it is contrary to the motion;
- (6) may propose a separate and distinct disposition of a motion;
- (7) shall be voted on in the reverse order to that in which it is moved, pursuant to subsection 9.9.

#### 9.5 Motion To Defer

A motion to defer shall be put to vote immediately without prior debate.

#### 9.6 Motion To Refer

A motion to refer is a motion by which a matter, action or a pending motion can be sent or directed to a committee, staff, other body or official named in the motion, for such purpose as may be named in the motion; and,

- (1) shall include the name of the committee, staff position, other body or official to which the matter is to be referred;
- (2) may be debated, subject to debate being confined to the merits of the referral only, and debate shall not deal with the subject of the main motion; and,
- (3) may be amended.

#### 9.7 Disposition Of Motion

A motion properly before the council or committee for decision must receive disposition before any other motion can be received, except motions in respect of matters listed in subsections 9.8 and 9.9.

#### 9.8 Oral Motions

Despite subsection 9.1, the following motions may be introduced orally without notice or specific permission, except as otherwise provided for in these rules:

- (1) to defer;
- (2) to refer;

- (3) to call the question;
- (4) to suspend the rules;
- (5) any other procedural motion; and
- (6) to adjourn.

#### 9.9 Ranking of Motions

The following list ranks motions in descending order, such that each takes precedence, and must be decided before others ranking below it in the list are decided or dealt with, as follows:

- (1) to sustain a decision of the chair;
- (2) to fix the time to which to adjourn;
- (3) to adjourn, subject to subsection 2.10;
- (4) to recess;
- (5) point of privilege;
- (6) to call the question;
- (7) to limit or extend limits of debate;
- (8) to defer;
- (9) to refer;
- (10) to amend the main motion;
- (11) the main motion.

#### 9.10 Right to Speak First

If the motion pertains to a specific geographic area only within the City of Brampton, the City Councillor, or the Regional Councillor, of the area, has the right to speak first to the motion; and in the event both wish to speak, the chair shall determine who first requested to speak.

#### 9.11 Right to Speak Last

The mover may request the right to be the last member to speak on the motion.

#### 9.12 Call for Motion To Be Read

Any member may require the motion under discussion to be read at any time during the debate but such request shall not be made so as to interrupt a member while speaking.

#### 9.13 Calling the Question

- (1) A member may make a motion to “call the question” in order to end debate on a motion.

- (2) The chair shall take the vote on a motion to “call the question” after each member who wished to speak on the motion has spoken once.
- (3) If a member speaks to the subject of a motion, he may not then immediately “call the question”.
- (4) A motion to “call the question”:
  - (a) cannot be amended;
  - (b) cannot be proposed on the main motion, when there is an amendment under consideration;
  - (c) shall preclude all further amendments of the main motion;
  - (d) when resolved by a majority vote, the motion is to be put forthwith without debate or amendment.

#### 9.14 Motion to Adjourn

Subject to subsection 2.10, a motion to adjourn a meeting may be called at any time, provided that:

- (1) when resolved in the negative, it shall not be made again until after some intermediate proceedings have been completed;
- (2) it shall not be called when a member is speaking or during the verification of a vote;
- (3) it shall not be called immediately following a majority vote on a motion to “call the question”;
- (4) it shall not be debated when a specified time of adjournment is named in the motion;
- (5) it shall not be made at a meeting of the council until a by-law confirming the proceedings of the council at that meeting to the time of adjournment has been presented and dealt with by the council;
- (6) if the motion to adjourn is defeated, and the meeting is to continue, the council shall first consider, and deal with a by-law repealing the by-law passed pursuant to subsection (5) above.

### 10. POINTS OF ORDER AND PRIVILEGE

10.1 The chair of a meeting shall preserve order and decide questions of order.

10.2 A member may rise on a point of order.

10.3 When a member rises on a point of order:

- (1) the member shall ask leave of the chair to raise the point of order and, after leave is granted, the member shall state the point of



order to the chair and sit down and remain seated until the chair has decided the point of order,

- (2) thereafter, a member shall only address the chair for the purpose of appealing the chair's decision to the council or committee in which the point of order was raised,
- (3) if no member appeals the decision of the chair, the chair's decision shall be final,
- (4) if there is an appeal to the council or committee, the chair shall immediately take a vote to sustain the chair's decision, without debate, and the decision shall be final.

## 11. CONDUCT OF MEMBERS AT MEETINGS

11.1 No member shall:

- (1) speak disrespectfully of any person;
- (2) use offensive words or unparliamentary language;
- (3) speak on any subject other than the subject in debate or for which he has received approval to address council; or
- (4) disobey the rules or a decision of the chair or of the council or committee on questions of order or practice or upon the interpretation of the rules.

11.2 Procedures that may be used by the chair in the event of a breach of order are as follows, in increasing order of severity provided that the chair may use any such procedure regardless of order of severity where circumstances warrant:

- (1) advise and correct the member;
- (2) request an apology or withdrawal of a remark from the member;
- (3) warn the member;
- (4) call the member to order, by which the member shall be seated and not speak further until recognized by the chair;
- (5) name the member, by which the member shall be called to order and further, that the member's name and offence shall be entered into the minutes; and
- (6) expel or exclude the member.

- 11.3
- (1) When a member desires to appeal a ruling of the chair regarding conduct, the member shall give notice to the chair that his ruling is being appealed and shall state the nature of the appeal.
  - (2) If there is an appeal to the council or committee with respect to the ruling regarding conduct, then the chair shall immediately take a

vote to sustain the decision of the chair, without debate, and the decision shall be final.

- (3) No person in attendance during a meeting shall:
  - (1) speak disrespectfully of any person;
  - (2) use offensive words or unparliamentary language;
  - (3) disrupt the meeting or disregard City guidelines for attending Council or committee meetings;
  - (4) disobey the rules or a decision of the chair or of the Council or committee on questions of order or practice or upon the interpretation of the rules.

**(By-law 376-2014)**

## 12. DIRECTION TO STAFF BY COUNCIL OR COMMITTEE

- 12.1 The council or committee may, by resolution, give direction to staff to pursue a course of action. An individual Councillor shall not direct staff to undertake an action, expend funds, commit resources or prepare a staff report to Council or a committee, unless authorized by Council. **(By-law 132-2011)**
- 12.2 Despite subsection 12.1, where direction to staff is made by a committee and, for practical and logistical reasons that action must be undertaken prior to council passing a resolution to approve the committee's recommendation (e.g. direction to refer a matter to the meeting of the council at which the committee's recommendation would be considered) such direction may still be given but only on a majority vote.

## 13. REOPENING A QUESTION

### 13.1 Reopening a Question At the Same Meeting **(By-law 4-2016)**

There shall be no further discussion of an item already voted on at a meeting unless:

- (1) there is a two thirds (2/3) majority vote to reopen the question on that item;
- (2) the member who moves the motion to reopen the question must be a member who voted on the prevailing side of the original motion;
- (3) the member shall state the reasons for making the motion.

### 13.2 Reopening a Question After The Matter Has Been Dealt With By Council **(By-law 4-2016)**

There shall be no further discussion of a matter previously dealt with by resolution unless:

- (1) notice to that effect has been given pursuant to section 8;
- (2) there is a two thirds (2/3) majority vote to reopen the question when the notice of motion is voted on;
- (3) the member who moves the notice of motion to reopen the question must be a member who voted on the prevailing side of the original motion; and
- (4) the member who moves the notice of motion to reopen the question shall state the reasons for making that motion.

#### 13.3 No Motion To Reopen Shall Be Reconsidered Once Resolved

No motion to reopen the question shall be considered again if there has been a previous motion to reopen the question which was not approved by a two-thirds (2/3) majority vote, within the current term of the council.

#### 14. SUSPENSION OF RULES IN PROCEDURE BY-LAW

Except where it is otherwise provided, any one or more of these rules may be temporarily suspended on a two-thirds (2/3) majority vote, except where such suspension may be contrary to the *Municipal Act*.

#### 15. CONFLICT WITH LEGISLATION

In the event of conflict between the provisions of this Procedure By-law and any legislation, the provisions of the legislation shall prevail.

#### 16. MATTERS NOT PROVIDED FOR IN PROCEDURE BY-LAW

Where a matter is not provided for in the Procedure By-law, or, in the case of conflict with the Procedure By-law, *Bourinot's Rules of Order* may be consulted as an interpretive aid in resolving the problem.

17. REPEAL OF FORMER PROCEDURE BY-LAW

The former Procedure By-law, being By-law 62-81, as amended, is hereby repealed.

18. SHORT TITLE

This by-law shall be known as "The Procedure By-law 2004".

19. PROCESS TO APPOINT ADDITIONAL REGIONAL COUNCILLOR PURSUANT TO BY-LAW 320-2005 (By-law 194-2006)

General Rules

- All members present shall be permitted to vote.
- A member who abstains from voting in any round shall not be permitted to vote in any subsequent rounds.
- Candidates do not need to be present to stand for appointment.
- Candidates may withdraw from standing for appointment after any vote.

Procedures

1. The City Clerk shall call for declaration by interested City Councillors of their decision to stand for appointment as Regional Councillor. This declaration may be made in advance of the Council meeting.
2. The City Clerk shall announce the names of the candidates standing for appointment.
3. Candidates shall be given five (5) minutes each to speak prior to the first round of voting taking place. The order of speakers shall be determined by the City Clerk drawn by lot.
4. The City Clerk shall call each candidate alphabetically according to the candidates' surnames. Voting members shall rise to indicate their vote for each candidate.
5. Each member of Council may vote for up to one fewer than the number of candidates per round. In other words, if the first round holds five candidates, each member may vote any number of candidates to a maximum of four.

6. The City Clerk shall record the votes and announce the results verbally at the end of each round of voting.
7. Rounds of voting shall be conducted as follows.
  - (a) At the end of each round, the candidate receiving the fewest number of votes will be dropped from the ballot.
  - (b) If there is a tie for fewest number of votes cast, the City Clerk shall draw by lot the name of the candidate to be excluded from subsequent rounds of voting.
  - (c) For each subsequent round, the maximum number of votes per member is one fewer than the number of candidates still standing.
  - (d) At end of any round, the City Clerk shall announce the opportunity for any candidate to withdraw from the ballot.
8. If, at the end of any round of voting, a candidate receives the majority of votes cast on that round, that candidate shall be declared the successful candidate and a by-law shall be prepared and submitted to Council for enactment to formally appoint the successful candidate.
9. If the final round of voting ends in a tie, the City Clerk shall draw the unsuccessful candidate's name by lot.
10. The record of votes shall remain part of the public record.

20. **CITY COUNCIL WORKSHOPS (By-law 195-2007)**

- (a) A workshop shall be coordinated through the City Clerk's Office, which shall be responsible for liaising with the Mayor's Office, the Council Office and the City Manager's Office.
- (b) A workshop may include open session and closed session business in accordance with the rules of the Procedure By-law, council policy and applicable legislation.
- (c) Upon confirmation that the workshop is to proceed, the City Clerk's Office shall give notice to all members of council in accordance with this by-law regarding the subject, date, time and location of the workshop.
- (d) Preparation of an "agenda" will be dependent on the subject of the workshop. The City Clerk's Office shall be consulted and shall keep a copy for the public record and public inspection.
- (e) Notice of the workshop subject, date, time and location will be made available to the public in accordance with Subsection 2.3, and comply with any additional requirements set out in council policy or by-law.

- (f) After notice of the workshop has been provided, no new matters will be added to the “agenda” since the appropriate notification will not have been given in accordance with this by-law.
- (g) Quorum of council is not required for the workshop to proceed.
- (h) The City Clerk’s Office will prepare “minutes” from the workshop, and any public session “minutes” will be made available to the public for review if a request is received.
- (i) Any member of the public who does attend, will be permitted to observe the workshop during public session.
- (j) No council decisions shall be made at a workshop. Any matter requiring a decision shall be reported back to Committee of Council or City Council for consideration and approval.

21. **PUBLIC NOTICE PROVISIONS (By-law 378-2007)**

21.1 **Circumstances for Public Notice**

- (a) Where the City is required to give public notice under this section, the notice shall be given in a form, manner and at the times indicated by this section, unless:
  - (i) The *Municipal Act, 2001*, another act, or a regulation prescribes or permits otherwise;
  - (ii) Another City By-law or resolution prescribes or permits otherwise; or
  - (iii) Council directs by resolution a method by which notice is to be given that Council considers adequate to give reasonable notice.
- (b) Where there is a conflict between this section and public notice provisions of the *Municipal Act, 2001*, another act, regulation, or by-law of City Council, the *Municipal Act, 2001*, other act, regulation, or by-law shall prevail.
- (c) Where a public notice does not strictly comply with the provisions contained in this section as to form, but would substantially inform a reasonable person of the subject matter to which the public notice relates, the public notice shall be deemed to be adequate, and in compliance with this section.
- (d) Where a public notice is required under the *Municipal Act, 2001* but is not provided for specifically in this section, a notice which would

substantially inform a reasonable person of the subject matter to which the notice relates, shall be deemed to be adequate, and in compliance with this section.

#### 21.2 Manner of Public Notice

Where public notice of an action or decision, including an intention to pass a by-law or notice of a public meeting, is required to be given by this section, the Clerk shall cause such public notice to be given in a manner in accordance with Schedule A to this by-law.

#### 21.3 Time of Public Notice

Where public notice of an action or decision, including an intention to pass a by-law or notice of a public meeting, is required to be given, such notice shall be provided in the time frame prescribed in the Municipal Act, 2001 or its regulations, and if not so prescribed, notice shall be given at least once during the period of a minimum of five (5) calendar days and not more than twenty-one (21) calendar days prior to the Council or Committee meeting at which the subject matter is to be considered, except where otherwise provided in this section.

#### 21.4 General Provisions

- (a) No public notice shall be required under this section with respect to matters to be considered by Council or Committee at a meeting or part of a meeting that is closed to the public in accordance with the provisions of the *Municipal Act, 2001*.
- (b) Nothing in this section shall prevent the Clerk from using more comprehensive methods of notice or providing for a longer notice period where circumstances warrant in her discretion.
- (c) If the subject matter, for which public notice is required to be given, is deferred or referred at a Council or Committee meeting, no additional public notice is required, except where the Municipal Act, 2001, another act, regulation, by-law or resolution provides otherwise, or the Council or Committee directs otherwise.
- (d) If a matter arises, which in the opinion of the Mayor, or City Manager in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents or property in the municipality, or if a state of emergency is declared, or if so advised by a Provincial Ministry, the public notice requirements of this by-law may be waived by the Mayor and the Clerk shall make reasonable efforts to

provide as much notice as the Clerk considers appropriate, having regard to the prevailing circumstances.

#### 21.5 Form of Public Notice

- (a) Unless otherwise prescribed in the *Municipal Act, 2001*, another act, regulation, by-law or resolution, the form of the public notice shall include the following information:
  - (i) A general description of the purpose and/or effect of the subject matter
  - (ii) The date, time and location of any meeting to consider the subject matter
  - (iii) Where the matter relates to a general location, and where appropriate, a key map showing the affected lands
  - (iv) Where the matter relates to a specific location, sufficient information of the location to identify the location
  - (v) Instructions on obtaining any additional information, which may include the contact name, address, telephone number, fax number, email address, and website
  - (vi) The name, title and address of the person who is designated to receive submissions or written comments, and the deadline for receiving such submissions or comments
  - (vii) A statement that no further public notice is required should the subject matter be deferred or referred by Council or Committee at the meeting for which notice is given.

Read a first, second and third time, and passed in Open Council this 14<sup>th</sup> day of June, 2004

Original Signed by:  
Susan Fennell, Mayor  
Kathryn Zammit, Acting City Clerk



Schedule A – Public Notice Provisions and Methods

**Schedule A to By-law 160-2004 (amended by 378-2007, 85-2008, 219-2009,  
169-2016)**  
**Public Notice Provisions and Methods**

1. Notice to the public shall be provided by **website posting** under the following circumstances:

Public and Private Roads

- Intention to pass a by-law related to permanently closing a public road
- Intention to pass a by-law related to altering a public road
- Intention to pass a by-law related to naming or changing a name of a public or private road

Advertising Devices and Signs

- Intention to pass a by-law related to advertising devices or signs

Municipal Capital Facilities

- Passage of a by-law relating to the provision of a municipal capital facility for the City

Licensing and Registrations

- Intention to pass a by-law related to business licenses

Policies and Procedures

- Intention to pass a by-law related to the Procedure By-law

User Fees and Charges under the Municipal Act, 2001

- Intention to pass a by-law related to a new or revised user fee or charge imposed by the municipality

Real Estate Activities (Definitions of terms in accordance with Schedule B, Delegation of Authority By-law 191-2011, as amended) **(By-law 74-2013)**

- Surplus Declaration and Disposal of all Property, except when at least one of the following criteria is met:
  - (i) the property is a permanent easement that is being abandoned;
  - (ii) the property is a street parcel that is being conveyed to a public authority to effect a change of jurisdiction;
  - (iii) the property has a current market value of \$50,000 or less and the conveyance is to a government organization, is routine and within the scope of usual operations of the City,

for which exceptions, no notice to the public is required.

In the following circumstances, notice to the public shall be provided by web posting only:

- (i) Surplus Declaration and Disposal of Property at current market value of \$50,000 or less and the conveyance is either to (a) one or more owners of adjacent property and is initiated by the City , or (b) to a utility or service provider for the installation/maintenance of services
- (ii) Surplus Declaration and Disposal of Property at, or less than, current market value and the conveyance is either (a) to the Region of Peel in compliance with the Standard Operating Procedure for Inter-municipal Transactions, or (b) to a government organization not governed by the Standard Operating Proceed for Inter-municipal Transactions and the property has a current market value of \$50,000 or less.

#### Heritage Designations (By-law 219-2009)

- Heritage designations under Parts IV and V of the *Ontario Heritage Act*

2. Notice to the public shall be provided by **newspaper publication** under the following circumstances:

#### Financial Administration

- Publication of the audited financial statements of the municipality for the previous year
- Before voting to adopt an annual or multi-year current or capital budget

Note: Normal operating costs incurred prior to the adoption of the annual current budget shall not require public notice, and approval of such expenditures shall be deemed ratified upon the adoption of the annual current budget.

#### Municipal Restructuring

- Before Council votes on whether to support or oppose a restructuring proposal
- Intention to pass a by-law related to changing the name of the municipality
- Intention to pass a by-law related to changing the Council composition
- Intention to pass a by-law related to establishing, dissolving or changing wards or ward boundaries

#### Real Estate Activities

- Commencement of expropriation process for all acquisitions by expropriation regardless of the current market value of property being acquired.

3. Unless noted otherwise, public notice under these circumstances shall be given by the following methods:
  - a. **Notice Given by Newspaper Publication** – Notice published at least once in a newspaper before the occurrence of the subject matter of which notice is being given.
  - b. **Notice Given by Website Posting** – Notice published on the City's website, or other conspicuous place, preceding the occurrence of the subject matter of which notice is being given. In the event the City's website is not accessible during a portion of the time period notice is to be given, the notice given shall continue to be deemed sufficient and reasonable notice.
  - c. **Notice Given by Meeting Agenda Publication** – Notice published in a City Council or Committee meeting agenda by listing and identifying the subject matter on the agenda of the meeting at which it is to be considered.
4. This Schedule is deemed to be a policy for the purposes of section 270 (1) para. 4. of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended.