

BY-LAW NUMBER 138-13

- of -

THE CORPORATION OF THE COUNTY OF BRANT

To govern the proceedings of Council and Committees for the Corporation of the County of Brant

WHEREAS pursuant to Section 238(2) of the Municipal Act 2001, R.S.O. 2001 Chapter 25, as amended, every Council and local board shall adopt a procedural by-law to govern the calling, place and proceedings of meetings;

AND WHEREAS the Council of the Corporation of the County of Brant is desirous of repealing By-law Number 237-06 and establishing a new by-law to reflect statutory requirements as a result of Bill 130, the Municipal Statute Amendment Act and current practice and procedures governing the order and procedure of the Council and its Committees;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS as follows:

DEFINITIONS

1. In this by-law:

“Act” means the Municipal Act, 2001, R.S.O. 2001, Chapter 25, as amended from time to time.

“Clerk” means the Clerk of the County of Brant, or his/her designate.

“Committee” means any standing, advisory or other committee, subcommittee or similar entity, which has been duly appointed to deal with specific administrative matters and provides advice and/or recommendations to Council. Such advice and/or recommendations may be given to Council through a Standing Committee of Council.

“Committee of the Whole” means all members of the Council of the County of Brant, sitting in Committee of the Whole Council. The purpose of this committee is to facilitate detailed consideration to a matter by using less strict rules than those used in a formal meeting of the Council.

“Confidential matter” shall mean those items of business discussed during In Camera sessions.

“Consent agenda” means a listing of items of business of a routine nature which do not require substantial discussion and/or debate.

“Council” means the Council of the Corporation of the County of Brant.

“Head of Council” means the Mayor of the County of Brant.

“Meeting” means any regular or special meeting of Council or Committee.

“Member” means a member of the Council or a Committee, and includes the Head of Council.

“Notice of Motion” means an advance notice to members on a matter which Council will be asked to take a position.

“Pecuniary Interest” means a direct or indirect interest within the meaning of the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50, as amended.

“Presiding Officer” means the head of Council or other member of Council appointed under Section 226 of the Act, or the Chair of a Committee.

“Question” means a motion that has been placed before the Council or Committee by the statement of the Chair. Only once duly stated by the Chair and “on the floor” can a motion be debated and put to a question of the members for proper resolution.

“Quorum” means the majority of the whole number of the members of Council required to constitute a Council or Committee. The quorum for a County of Brant Council meeting shall be six (6) members of Council.

“Recorded Vote” means the recording of the name and vote of every member on a matter or question. In the case of a Member who has declared a pecuniary interest on the matter or question, the minutes shall reflect the Member withdrew from the vote.

“Standing Committee” means a Committee established by Council to address matters which Council has deemed appropriate for the Committee to consider. Standing Committees will address matters within the scope and responsibility of Council and will be expected to provide periodic reports to Council presenting advice and/or recommendations on matters under consideration.

“Two-thirds vote” means the affirmative vote of two-thirds of the members of Council present at the meeting.

MUNICIPAL ORGANIZATION AND ADMINISTRATION

2. The Municipal Act, 2001, S.O. 2001, c.25 as amended, defines the following roles for Council and Municipal Administration staff:

a. Role of Council

It is the role of Council:

- i. to represent the public and to consider the well-being and interests of the County of Brant;
- ii. to develop and evaluate the policies and programs of the County of Brant;
- iii. to determine which services the County of Brant provides;
- iv. to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- v. to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- vi. to maintain the financial integrity of the County of Brant; and
- vii. to carry out the duties of Council under this or any other Act.

b. Role of Head of Council:

It is the role of the Mayor of the County of Brant :

- i. to act as chief executive officer of the municipality by:
 - upholding and promoting the purposes of the municipality
 - promoting public involvement in the municipality's activities
 - acting as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally;
 - participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents
 - being vigilant and active in causing the laws for the government of the municipality to be duly executed and obeyed;
 - overseeing the conduct of all subordinate officers in the government of it and, as far as practicable, causing all negligence, carelessness and violation of duty to be prosecuted and punished; and
 - communicating to the Council from time to time such information and recommending to it such measures as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality
- ii. to preside over Council meetings so that its business can be carried out efficiently and effectively
- iii. to provide leadership to the Council;
- iv. without limiting clause (iii) , to provide information and recommendations to the Council with respect to the role of council described in 2(a) iv. and v.;
- v. to represent the County of Brant at official functions; and
- vi. to carry out the duties of the head of Council under the Municipal Act or any Act.

c. Municipal administration:

It is the role of the officers and employees of the County of Brant:

- i. to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- ii. to undertake research and provide advice to Council on the policies and programs of the County of Brant; and
- iii. to carry out other duties required under this or any Act and other duties assigned by the County of Brant.

3. The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and Committees thereof and shall be the rules and regulations for the order and carrying out of business by Council and its Committees.

COUNCIL AND COMMITTEE MEETINGS

INAUGURAL COUNCIL MEETING

4.
 - a. The Inaugural meeting of the newly elected Council after a regular election, shall be held on the first Monday in December at 7:00 p.m. in the Council Chambers or in such other location as approved by Council.
 - b. The Mayor and the Clerk shall be responsible for the content and format of the agenda for the Inaugural Meeting and all arrangements for the proceedings, including the selection of the officiating Clergy person.

- c. All Inaugural Meetings shall be conducted by the elected head of council, and the procedures shall be decided by the Mayor and the Clerk. Swearing-In will be conducted by a District Judge for the County of Brant, or a Justice of the Peace.

REGULAR COUNCIL MEETINGS

- d. Regular meetings of Council, with the exception of the Inaugural Meeting, shall be held on the fourth Tuesday of each month, in the Council Chambers at the hour of 7:00 p.m , unless otherwise ordered by special resolution of Council.
 - e. If the Council meeting falls on a public or civic holiday, or a day on which a municipal election is being held, the Council shall, unless it decides otherwise, meet at the same hour the first day thereafter, the same not being a public holiday, civic holiday or a day on which a municipal election is being held.
 - f. Council may, by resolution, alter the time, day or place of a regular Council meeting provided forty eight (48) hours notice is given to all members of Council.
 - g. Council may, by resolution, declare a recess at any time during the year.
 - h. The Clerk shall prepare a schedule of meetings for Council and its Committees, which shall be submitted to Council for approval by resolution at the Inaugural Meeting and from time to time thereafter. The annual meeting schedule for Council and all Standing Committees shall be available in the Customer Service Offices and on the County website.
 - i. In the event of inclement weather, the Mayor or in the case of a Standing Committee, the Chair, in consultation with the Mayor, Chief Administrative Officer and Clerk, shall have the authority to postpone a meeting of Council/Committee. Any decision to cancel a meeting will be taken well in advance to allow staff to contact the members of Council, Committee members, staff and the public in the most effective manner.
5. All Council and Committee meetings shall be open to the public.

IN CAMERA MEETINGS

- 6. a. Meetings or sessions which are closed to the public may be referred to as “In-Camera” meetings or sessions.
- b. Notwithstanding Paragraph 5 above, a meeting or part of a meeting may be closed to the public if the subject matter being considered relates to:
 - i. security of the property of the municipality or local board,
 - ii. personal matters about an identifiable individual, including municipal or local board employees,
 - iii. a proposed or pending acquisition or disposition of land by the municipality or local board;
 - iv. employee negotiations or labour relations;
 - v. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - vi. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

- vii. a matter in respect of which Council, a Committee of Council or local board may hold a closed meeting under an Act of the Legislature or an Act of Parliament; or
 - viii. if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act, Chapter M.56, R.S.O. 1990; or
 - ix. the meeting is held for the purpose of educating or training the members and at the meeting no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- c. Before all or part of a meeting is closed to the public, the Council shall state by resolution:
 - i. the fact for holding a closed meeting,
 - ii. the general nature of the matter to be considered at the closed meeting.
- d. Subject to Section 5, a meeting shall not be closed to the public during the taking of a vote.
- e. Despite Section 6.d., a vote may be taken during a closed meeting if:
 - i. Section 6.b. permits or requires a meeting to be closed to the public, or
 - ii. The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the County or persons retained by or under contract with the County.
- f. If a meeting is closed to the public, no resolution or record of the meeting shall disclose any information that the head of an institution is not permitted to disclose under the Municipal Freedom of Information and Protection of Privacy Act.
- g. All information, documentation or deliberations received, reviewed or taken in an in camera meeting is confidential.
- h. No member shall release or make public any information considered at a closed meeting or discuss the content of such a meeting with persons other than members of Council or relevant staff members without the authorization of Council.
- i. Any member who contravenes Section 6.h. shall be deemed not to be acting in the interest of, on behalf of, or within the authority of the Council or the County of Brant.
- j. Any violation of this regulation may result in exclusion of the offending member from future closed meetings of Council. That member will no longer be provided with correspondence, materials or information proposed to be dealt with by Council at an in camera meeting.
- k. The determination of whether or not a violation of the in camera meeting provisions of this by-law, and the length of the exclusion from closed meetings, shall be made by Council prior to the affected member being excluded from any closed meeting. The results of Council's deliberations shall be reported in the open session of Council.

- l. If the purported violation of the closed meeting provisions of this by-law by more than one member is to be considered, a separate resolution of Council with respect to each affected member is to be adopted.
- m. Any member who contravenes Section 6.h. is guilty of an offence and upon conviction may be liable to a fine or penalty as provided for in the Provincial Offences Act, but no member shall be convicted of such a contravention if the contravention was through inadvertence, and further, no prosecution for a contravention of Section 6.h. shall be commenced except on the direction of Council, expressed in a resolution of Council.
- n. Any decision to prosecute a member of Council shall only be made after Council has met in an in camera session to consider the matter, at which time the member of Council proposed to be prosecuted may be present and shall have the option of attending with legal counsel, at their own expense, unless proven not guilty, at which time the legal expenses shall be paid by the municipality.

SPECIAL MEETINGS OF COUNCIL

- 7. A Special or Emergency Meeting of Council may be summoned in accordance with the following conditions:
 - a. The Mayor may, at any time, summon a special meeting.
 - b. The Clerk shall summon a special meeting upon receipt of a petition of the majority of the Council members for the purpose and time and date stated in the petition.
 - c. The Notice of Special Meeting shall specify the purpose for the meeting. No business shall be transacted at a special meeting other than that for which it was called, unless the majority of the members so decide.
 - d. In either case a. or b. above, the Special meeting shall be held not sooner than 48 hours following the delivery of the notice, by telephone or written notice, to each of the members of Council.
 - e. Notwithstanding the notice requirement set out above, in the event of a bona fide emergency, the meeting may be held as soon as practicable following receipt of the notice by the members of Council. Notice may be given by telephone, e-mail, fax or personal contact as determined by the Clerk.
 - f. Unless otherwise specified in the notice, a special meeting shall be held in the Council Chambers.

ORDER OF PROCEEDINGS OF COUNCIL AND “STANDING” COMMITTEES OF COUNCIL

- 8.
 - a. Upon a quorum being present as soon as the hour is fixed for the meeting, the Mayor/Committee Chair shall take the chair and call the members to order. A majority of the members shall constitute a quorum.
 - b. The Clerk shall record the names of the members present.

- c. In the event the Mayor or Standing Committee Chair is absent or refuses to act, or the office is vacant, or if the Mayor or Standing Committee Chair does not attend within fifteen (15) minutes after the time appointed, the Clerk or Recording Secretary shall call the members to order and the members shall temporarily appoint another Presiding Officer from among themselves to discharge the duties of the Chair until the arrival of the Mayor or Standing Committee Chair. The Presiding Officer shall have all the powers, rights and authority of the Mayor and/or Standing Committee Chair and shall be entitled to vote as a member.
- d. If there is no quorum present within thirty (30) minutes after the time appointed for the meeting, the Clerk shall record the name of the members present, and the meeting shall stand adjourned until the next regular meeting or until a special or emergency meeting is called.
- e. For Council a quorum shall consist of six (6) members to make a majority of the total membership, unless a two-thirds (2/3) majority is required by statute or by-law. If a member is unable to participate because of a conflict of interest, the provisions of the Municipal Conflict of Interest Act apply to provide for a reduced quorum requirement.
- f. A member of Council shall notify the Clerk when the member is aware that he/she will be absent from a meeting.

AGENDAS AND SUPPORTING MATERIAL

- 9.
 - a. Agendas shall be prepared for all meetings of Council and Committees, and will be circulated to all members of Council. Agendas will include staff recommendations in order to improve communications to members of Council and the public.
 - b. Agendas, along with supporting material, shall be prepared and made available to members 48 hours prior to the regular meeting. Agendas for all Council and Standing Committee meetings shall be published in advance of the meeting and shall be available to the public during posted business hours at all County Customer Service offices and County Library Branches and on the County website by 4:00 p.m. on the Friday prior to the meeting. The distribution of meeting agendas and the posting of monthly meeting calendars on the County's website and at County Customer Service Offices shall constitute public notice of meetings in accordance with Section 238(2.1) of the Municipal Act, 2006, c.32, Sch. A, s.102(3).
 - c. The business of Council shall be taken up in the order as listed on the agenda, unless otherwise decided upon by the Mayor, Presiding Officer, Chair or a majority vote of Council. Agendas shall be formatted as follows, but modifications to the matters to be included or the order of business may be effected without requiring amendment to this by-law:
 - i. Recording of attendance to provide evidence of a quorum and recorded vote procedures
 - ii. Approval of agenda – addition/deletion of items for discussion
 - iii. Declaration of pecuniary interest and the general nature thereof
 - iv. Delegations/petitions/presentations
 - v. Adoption of minutes of previous meeting(s)
 - vi. Business arising from the minutes

- vii. Consent Items
 - viii. Committee reports.
 - ix. Staff reports.
 - x. Information reports.
 - xi. Communications
 - xii. Resolutions
 - xiii. Other Business
 - xiv. In Camera
 - xv. By-laws
 - xvi. Adjournment
- d. Any member of Council, at any time prior to noon on the Thursday prior to the meeting, may file in writing with the Clerk, an item for inclusion in the agenda under "Other Business" on any matter pertinent to the business of the County.
- e. In preparing the agenda for Council and committee meetings, the Clerk shall compile a list of Consent Items from the agenda, which are routine matters, reports provided for information purposes, reports in response to Council questions, the cheque register, matters of a non-controversial nature, and updates on County projects. Unless any member of Council may otherwise request, the Consent Items shall be considered by Council in a summary manner. Members are encouraged to ask questions on consent items at a time other than during the meeting.
- f. The Clerk may prepare a supplementary agenda in order to deal with an urgent matter requiring a Council decision or additional information on an agenda matter that became available after the distribution of the agenda.

DELEGATIONS

10. a. Individuals or groups wishing to appear before Council or a Standing Committee shall advise the Clerk not later than noon on the Wednesday prior to the meeting. The Clerk shall make the determination as to deferral of the delegation to a subsequent meeting.
- b. Applications shall be made to the Clerk stating the reasons for the delegation. The delegation shall present a written submission before the meeting, along with a written and/or digital copy of their presentation. Delegation Request Forms, attached as Schedule "D", may be used to outline the subject matter of the delegation, and what action will be requested of Council/Committee. The delegation shall provide the completed form to the Clerk by 12:00 p.m. the Wednesday prior to the meeting to be included on the agenda, and by 2:00 p.m. the Monday before the meeting to be included on the addendum. These forms will be available through the Clerk's office and the County website.
- c. Notwithstanding Section 10.a, the Council may, by resolution, permit a person or persons not listed on the agenda to address Council, subject to the said limitations. Persons registering a delegation after the deadline will be advised by the Clerk that they may not be heard by Council unless a majority of Council members vote to allow the late delegation.

- d. Individuals or groups which are listed on an agenda or are otherwise approved to appear before Council shall be limited to not more than ten (10) minutes, except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers, limited to speaking not more than a maximum of fifteen (15) minutes. The Clerk or Recording Secretary for the meeting shall keep account of the time expended on all presentations and advise the presenter when there is one minute remaining. At the competition of the allotted time, the presenter shall be advised to cease, and may only continue to present through a motion of Council to that effect.
- e. When more than one person is addressing Council on the same subject, such person or persons following the first person shall be strongly encouraged to not repeat that which was covered by the preceding speaker or speakers.
- f. Members of Council may only ask questions of delegations for clarification or obtaining additional information relevant to the presentation and shall not enter into debate with the delegations. All questions of delegations shall be addressed through the Chair.
- g. Council may refuse to hear delegations when, in the opinion of the Council, the subject of the presentation is beyond the jurisdiction of the County of Brant or the presentation is abusive or includes profanity or threats, including threats of litigation.
- h. Notwithstanding Sections 10.a, 10b., and 10.c., delegations appearing before Council/Committee during a declared public meeting shall be subject to the regulations outlined in Sections 10.d.-g.

DUTIES OF THE MAYOR OR PRESIDING OFFICER DURING A MEETING

- 11. It shall be the duty of the Mayor or Presiding Officer:
 - a. to open the meeting by taking the Chair and calling the members to order.
 - b. to announce the business before the Council in the order in which it is to be acted upon.
 - c. to receive and submit, in the proper manner, all motions presented by the members.
 - d. to put to a vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result.
 - e. to decline to put to a vote motions which infringe upon the rules of procedure or privileges of the Council, and to cite the reasons therefore.
 - f. to enforce on all occasions the observance of order and decorum among the members.
 - g. to inform, when necessary, on a point of order or usage.

- h. to call by name any member persisting in breach of the rules of order of the Council, thereby ordering the member to vacate the meeting room for the duration of the meeting. If the member apologizes, he/she may, by majority vote of Council, be permitted to retake his/her seat.
- i. to authenticate by signature, when applicable, all by-laws, resolutions and minutes of Council.
- j. to represent and support the Council, declaring its will and implicitly obeying its decisions in all things.
- k. to ensure that the decisions of Council thereof are in conformity with the laws and by-laws governing the activities of Council.
- l. to order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chamber or Committee Room where such behaviour persists.
- m. to adjourn the meeting when the business is concluded.
- n. to adjourn the meeting without question, in the case of grave disorder arising in the Council Chambers or Committee Room.

CONDUCT OF MEMBERS AND GUESTS DURING A MEETING

- 12. All members of Council shall abide by the Code of Conduct for the County of Brant.
- 13. No member shall:
 - a. use profane or offensive words, or insulting expressions against the Council or against any member, staff or guest.
 - b. disturb Council members, staff or guests, by any disorderly conduct disconcerting to the speaker or the assembly.
 - c. leave their seat or make any noise or disturbance when the Mayor or Presiding Officer is putting a question forward and shall occupy their seat while a vote is being taken and until the result is declared.
 - d. speak on any subject other than the subject in debate.
 - e. resist the rules of order, disobey the decision of the Mayor or Presiding Officer or Council on questions of order.
 - f. permanently leave a meeting without first giving notice to the Mayor or Presiding Officer.
 - g. be permitted to retake their seat after being ordered to vacate by the Mayor or Presiding Officer after having committed a breach of any rule of order of the Council, without making an apology and receiving permission from the Council.
 - h. interrupt the member who has the floor except to raise a point of order, or a question of privilege.

14. Unless otherwise authorized by the presiding officer, all members, staff and guests shall address Council through the chair and only when recognized to do so.
15. No member of Council and no delegations shall be permitted to address Council on any matter that is before any court for decision.

MOTIONS - RULES OF DEBATE

16. Every member previous to speaking to a question or motion, shall obtain the permission of the Mayor or Presiding Officer to speak. When more than one member addresses the Chair at the same time, the Mayor or Presiding Officer shall name the one entitled to speak first.
17. When a member is called to order, he/she shall cease speaking unless allowed to explain, and the ruling of the Mayor or Presiding Officer shall be obeyed.
18. A member shall speak no longer than five (5) minutes to any item. No member shall speak more than once, until every member who desires to speak has spoken and then only to provide new information or clarification from the Chair, other member or staff.
19. Notice of motions shall be given in writing to the Clerk no later than 4:30 p.m. on the Thursday preceding the next regular meeting so that the matter may be included in the agenda package.
20. Notwithstanding Paragraph 19, any motion may be introduced without notice if Council, without debate, agrees on a majority vote to dispense with notice.
21. Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member speaking.
22. The Mayor or Presiding Officer may contribute their views on any subject being considered. However, if the Mayor or Presiding Officer desires to leave the Chair for the purpose of taking part in the debate or otherwise, he/she shall call on another member to take the Chair until he/she resumes the Chair.
23. A motion must be formally seconded before the question can be put or a motion recorded in the minutes.
24. When a motion is presented in Council in writing, it shall be read, or presented as read, or, if it is an oral motion, stated by the Mayor or Presiding Officer.
25. All motions presented in writing shall be signed by the mover and seconder and when approved, signed by the Mayor or Presiding Officer.
26. The following matters and motions may be introduced orally without written notice and without leave, except as otherwise provided by these rules:
 - a. a point of order or personal privilege.
 - b. presentation of petitions.
 - c. to lay on the table (to defer temporarily).
 - d. to postpone indefinitely or to a specific day.
 - e. to move the previous question (immediate vote on the main motion).
 - f. to recess.
 - g. to adjourn.
 - h. a motion that the Council resolve itself into a Committee of the Whole (not debatable).

27. The following motions may be introduced without notice and without leave, but such motions shall be in writing and signed, unless accepted orally by the Mayor or Presiding Officer:
 - a. to refer;
 - b. to amend;
 - c. to suspend the rules of procedure contained in this by-law
28. A motion to amend shall:
 - a. be presented in writing, unless a verbal motion is accepted by the Mayor or Presiding Officer.
 - b. be dealt with by Council before a previous amendment or the main motion.
 - c. not be further amended more than once provided that further amendment may be made to the main motion.
 - d. be relevant to the main motion.
 - e. not propose a direct negative to the main motion.
29. Amendments shall be put in the reverse order to that in which they are moved. Every amendment submitted shall be in writing, if so required by the Mayor or Presiding Officer, and shall be decided or withdrawn before the main question is put to a vote.
30. A motion to refer the question:
 - a. shall include the name of the Committee, body or official to whom the question is to be referred.
 - b. shall not be debatable, except where instructions are included, in which case only the instructions shall be debatable.
31. Once read and stated by the Mayor or Presiding Officer (who may request the Clerk to read the motion), a motion may not be withdrawn without the consent of the majority of the members.
32. Immediately prior to voting on a motion, the Mayor or Presiding Officer shall state the question in the precise form it is to be recorded in the minutes, including any amendments to the question.
33. After a vote on a motion or a motion as amended is called for, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result is declared.
34. Any member may at the same or any subsequent meeting of Council move for renewal of a motion that has been defeated by less than a majority of all of the members of Council then in office. For such a renewal motion to be passed, it must have the support of a majority of the members then in office. The renewed motion may be in the form of the originally defeated motion or in a form similar thereto.

VOTING

35. The Mayor or Presiding Officer, except where disqualified to vote, may vote on all questions.
36. On an unrecorded vote, the manner of determining the decision on a motion shall be by show of hands.

37. When a member present at a meeting of Council or Committee does not vote, unless they have abstained because of a conflict of interest, the vote will be considered a negative vote.
38. Where a vote is taken and a member requests, before or after the vote, that the vote be recorded, each member present, except a member disqualified from voting by any Act, shall stand to indicate their approval or opposition to the motion. The vote will be conducted and recorded by the Clerk who will ask those in favour to stand and then ask those opposed to stand.
39. Except where expressly provided in Statute, any question on which there is an equality of votes shall be deemed to be defeated.
40. No vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.
41. When the question under consideration contains distinct propositions, upon the request of any member, the vote upon each proposition shall be taken separately.
42. If a member disagrees with the announcement by the Mayor or Presiding Officer that a question is carried or defeated, that member may object immediately after the declaration and request the vote be retaken for the purpose of clarification.

RECONSIDERATION

43. A motion to reconsider:
 - a. is not debatable
 - b. is not amendable
 - c. requires at least a two-thirds majority vote of the members present at the meeting, regardless of the vote necessary to adopt the motion to be reconsidered.
 - d. shall be in writing.
44. If the action approved in the motion cannot be reversed, the motion cannot be reconsidered.
45. A matter may be reconsidered at the same meeting provided that a member who voted with the prevailing side on a question moves reconsideration of the matter. Only the mover of the motion to reconsider must have voted with the prevailing side on the question to be reconsidered.
46. Any member shall give notice of motion to reconsideration of a matter at any Council meeting following the meeting when the matter was considered.
47. A motion to reconsider suspends action on the motion to which it applies until it has been decided.
48. Each member shall be responsible for making a determination on how the member voted on a specific matter. The Clerk shall not record negative votes unless a request for a recorded vote has been made.
49. No discussion of the main question which is proposed for reconsideration shall be allowed until the motion to reconsider is carried.

50. No motion shall be reconsidered more than once during a period of twelve months following the date on which the question was decided.
51. When a question is brought before a succeeding Council, it shall be deemed to be new business and not a matter of reconsideration.
52. The following motions cannot be reconsidered:
 - a. to adjourn.
 - b. to recess.
 - c. to suspend the rules.
 - d. to reconsider

POINTS OF ORDER AND PRIVILEGE

53. The Mayor or Presiding Officer shall preserve order and decide questions of order.
54. The Council, if appealed to, shall decide the question without debate and its decision shall be final.

MINUTES

55. It shall be the duty of the Clerk following each meeting to transcribe the proceedings of each meeting and place such proceedings in the Minute Book and at the next meeting, the minutes of the previous meeting shall be considered so that any errors therein may be corrected. The Mayor and the Clerk shall sign the Council Minute Book upon the minutes being adopted by Council. The Clerk shall ensure that a copy of the minutes of each meeting of Council and each Committee is made available to members with the next agenda.
56. The minutes shall record:
 - a. the place, date, and time of meeting;
 - b. the names of Presiding Officer(s), and of the members present and the members not present;
 - c. the reading, presentation, correction and adoption of the minutes of prior meetings
 - d. a summary of comments or issues of delegations.
 - e. all other proceedings of the meeting without note or comment.
 - f. time of adjournment.

COMMUNICATIONS

57. All written messages and enquiries over the signature of the sender for the information of Council on matters of fact or which contain a request for action on the part of the Council in respect of matters within the jurisdiction of the Council and the replies thereto may be referred to a Committee or disposed of forthwith.
58. Messages and enquiries shall be addressed either to Council or the County before they are required to be brought before Council.

PETITIONS

59. A petition in regard to a matter within the jurisdiction of Council made over the signatures of the subscribers may be received on leave of Council, may be disposed of forthwith, assigned to some future time for consideration by Council or referred to a Standing Committee.

STANDING COMMITTEE REPORT

60. The reports of Standing Committees shall be prepared following the meetings of same and shall be included on the agenda of Council.
61. Reports of Committees:
- a. shall be received upon leave of Council;
 - b. may be referred back to the same Standing Committee, or to, or to the Corporate Development Committee.

BY-LAWS

62. No by-law shall be presented to Council unless the subject matter has been considered and approved by Council.
63. Every by-law shall be introduced upon motion by a member specifying the title of the by-law.
64. Every by-law when introduced shall be in printed form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any Act.
65. Every by-law shall be given three readings prior to passage.
66. The first and second reading of a by-law shall be decided without amendment or debate. Following the second reading, a by-law may be amended only by a motion detailing the proposed amendment, which must be decided by a vote of Council. If the motion to amend the by-law is approved, the third and final reading of the by-law includes the amendment.
67. By-laws may be given three readings on the same day except when requested otherwise by motion of the majority of the members present or as otherwise provided in law.
68. Upon passage, the by-law shall be signed by the Mayor or Presiding Officer and the Clerk, and embossed with the seal of the Corporation.
69. Any proposed by-law may be referred to a Committee, Department Head or other Officer for review and comment, including the Solicitor for the Corporation.

DISCLOSURE OF PECUNIARY INTEREST

70. It is the responsibility of each member to identify and disclose any pecuniary Interest, as defined by the Municipal Conflict of Interest Act, R.S.O. 1990, C.M.50, in any item or matter before the Council or any Committee of Council.

71. Where a member, either on his/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 standing Committee at which the matter is the subject of consideration, the member shall:
 - a. prior to any consideration of the matter at the meeting, orally disclose the interest and its general nature;
 - b. not at any time, take part in the discussion of, or vote on any question in respect of the matter;
 - c. not at any time, attempt in any way whether before, during or after the meeting to influence the voting on any matter or influence employees or persons interested in a contract with the Council in respect of the matter;
 - d. immediately leave the table and remain absent from it until the matter is no longer under consideration.
72. Where a meeting is not open to the public, in addition to complying with the requirements of Section 71, the member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration.
73. Where the interest of a member has not been disclosed as required by Section 71 by reason of the member's absence from the particular meeting, the member shall disclose the interest and otherwise comply at the first meeting of Council or Committee, as the case may be, attended by the member after the particular meeting.
74. The Clerk shall record the general nature of any declaration of pecuniary interest made by members of Council or Committee, as the case may be, and any such record shall appear in the minutes of that particular meeting of Council or Committee, as the case may be.

GENERAL

75. Following a regular or new election, the Clerk shall provide each member of Council with a copy of this by-law, including amendments thereto.
76. Any procedure under this by-law, which is discretionary and not mandatory under statute, may be suspended with the consent of a majority of the members present.
77. In all unprovided cases, Robert's Parliamentary Rules of Order (Newly Revised 10th edition) shall be followed.
78. No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal is given at a previous regular meeting of Council and the waiving of notice is prohibited.
79. Meetings shall always adjourn at 11:00 p.m. unless otherwise decided before that hour by a majority of the members present at the meeting.

SEVERABILITY

80. Should any section, subsection, clause, paragraph or provision of this by-law be declared by a court or competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the provisions so declared to be invalid.

NOMINATING COMMITTEE

81. The Nominating Committee shall include the Mayor and four other members of Council selected by the Mayor.
82. Following each regular municipal election, but prior to the taking of office, an orientation program will be provided to Council, after which members of Council would notify the Nominating Committee of their areas of interest.
83. The Nominating Committee will meet following the orientation program and prepare a report for Council making recommendations for the appointment of Members of Council to the Standing Committees, Boards and other Committees in effect at the time of the election.
84. The Nominating Committee shall report to the newly elected Council prior to their taking office. At this time, the Nominating report will be discussed and amended if deemed appropriate. The amended report will then be presented and approved at the Inaugural meeting of Council.
85. A master list of positions to which Council and citizen appointments are to be made will be approved by Council at the conclusion of each Council term. Appointments to Boards and Committees shall be discussed at the meeting of the newly elected Council prior to their taking office. The appointments will then be presented and approved at the Inaugural meeting of Council.
86. Appointments to Boards and Committees of Council shall be for a four year term, coinciding with the term of Council. However, these appointments shall be reviewed on an annual basis at the November Council meeting.

COMMITTEE STRUCTURE

87. There shall be appointed at the first meeting of each newly elected Council and yearly thereafter, the following Committees which shall compose the Standing Committees:
 - a. Corporate Development
 - b. Planning Advisory
 - c. Public Works
 - d. Community Services
88.
 - a. The Public Works and Community Services Standing Committees shall be composed of five members of Council, plus the Mayor. The quorum for these Standing Committees shall be three members, exclusive of the Mayor.
 - b. The Corporate Development and the Planning Advisory Standing Committees shall be composed of all Members of Council including the Mayor. The quorum for these Standing Committees shall be 6 members inclusive of the Mayor.
89. Each Standing Committee shall recommend a Chair and Vice-Chair for approval by Council. It is suggested that no member of Council be appointed as Chair for more than one (1) Standing Committee and further that the five (5) members of Council not appointed as chair be appointed as a vice-chair.

90. Within the approved Corporate Strategic direction, each Standing Committee shall make such recommendations as deemed necessary for the delivery of those services included in the Committee's mandate. Each Standing Committee will have responsibility for recommending the following:
 - a. annual business plan.
 - b. programs and services to be delivered
 - c. service levels
 - d. setting priorities
 - e. policies to implement, control and deliver programs and services
 - f. award of tenders in accordance with approved corporate policies
 - g. exercise appropriate control to ensure Council's decisions are implemented
91. The mandate for each of the five Standing Committees shall be as shown on Schedule "A" attached hereto.
92. The reports of Standing Committees shall be prepared following the meetings of same and shall be included on the agenda of Council.
93. Standing Committees will not refer matters to other Committees. If a Standing Committee wishes additional members of Council to participate in the discussion, it shall refer the matter to the Corporate Development Committee for a recommendation to Council.
94. When sitting as Committee of the Whole or any committee which includes all Members of Council, the results of votes taken are not the final decisions of the Council, but have the status of recommendations which the Council is given the opportunity to consider further and which it votes on finally under its regular rules.
95. In the absence of the Chair, the Vice-Chair, if one has been elected, shall preside, and in the absence of the Vice-Chair, the Committee shall elect one of their members to preside and to discharge the duties of the Chair for the meeting or until arrival of the Chair or Vice-Chair.
96. A Special Committee may be appointed at any time on the motion of a member of the Council at any meeting thereof to consider and report on any matter or to perform any special service, and such Special Committee shall dissolve as soon as the services for which they were appointed are performed. (The membership shall be determined by Council at the time of establishment of such Committee.)

ACCOUNTABILITY AND TRANSPARENCY

97. The Municipal Act, 2001 requires that all municipalities adopt and maintain a policy with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public. The purpose of this policy is to provide guidance for the delivery of the County of Brant's activities and services in accordance with the principles outlined in Schedule "B" attached hereto. This policy has been developed in accordance with the Municipal Act to comply with Section 270.

DELEGATION OF POWERS AND DUTIES

98. The Municipal Act, 2001 requires that all municipalities adopt and maintain a policy with respect to the delegation of Council's legislative and administrative authority. The purpose of this policy is to set out the scope of the powers and duties which Brant County Council may delegate under its legislative and administrative authority and to establish principles governing such delegation, as set out in Schedule "C" attached hereto. This policy has been developed in accordance with the Municipal Act in order to comply with its other applicable sections, including Section 270. This policy applies to all Committees of Council, Departments and staff.

EFFECTIVE DATE

99. This by-law shall come into force and take effect upon the final passing thereof.

100. That By-law Number 239-07 be and it is hereby repealed.

READ a first and second time, this 23rd day of July, 2013.

READ a third time and finally passed in Council, this 23rd day of July, 2013.

THE CORPORATION OF THE COUNTY OF BRANT

Mayor

Clerk

SCHEDULE "A"

COMMITTEE MANDATES

Community Services Committee

- 1) Recreation Facilities
- 2) Recreation Programs
- 3) Community Centres/Halls
- 4) Parks
- 5) Walking Trails
- 6) Museums and Cultural Facilities
- 7) Cemeteries
- 8) Specialized Transit Services
- 9) Ambulance
 - Municipal and Provincial Funding
 - Monitor response times and call statistics
 - Paramedic staff complement
 - Paramedic training
 - Vehicles and equipment
 - Facilities
- 10) Fire
 - Facilities
 - Equipment
 - Fire Prevention
 - Fire Suppression
 - Volunteers
 - Dispatch/Answering Service
 - Mutual Aid
- 11) 911
- 12) Emergency Plan
- 13) Emergency Operations Centre
- 14) Administrative:
 - Administration specific to Community Services staff.
 - Facilities specific to Ambulance, Fire and Police
 - Administration specific to Ambulance and Fire staff

- 15) Recreation Advisory Committee(s)
 - Community Centre Management Committees
 - Recreation Advisory Committees
- 16) Other Committees, Boards, Agencies and Services
 - Accessibility Advisory Committee
 - Cemetery Advisory Committee
 - Brant Community Healthcare
 - Police Services Board

Corporate Development Committee

- 1) Governance
 - Structure
 - Procedure and Appointment By-laws
 - Election
- 2) Mayor and Council
- 3) Corporate Strategies and Priorities
- 4) Human Resources
- 5) Secondary Planning
- 6) Economic Development
- 7) Tourism
- 8) Building
- 9) Information Services
- 10) Records Management
- 11) Treasury
- 12) Property Standards
- 13) Sign By-laws
- 14) Nutrient Waste Management
- 15) Regulatory By-laws (non-specific to services included in the mandate of any other standing committee).
- 16) By-law Enforcement
- 17) Solicitor/legal Prosecution Services
- 18) Insurance and Risk Management

- 19) Property – Acquisition, disposal, and management
- 20) Consolidated Grants
- 21) Licensing
- 22) Crossing Guards
- 23) Airport
- 24) Trees
- 25) Administration
 - Facilities
 - Extended Service offices
 - General administration policy
 - Administration specific to CAO and Corporate Services staff
- 26) Other Committees, Boards, Agencies or Services
 - Brant County Power
 - Municipal Property Assessment Corporation

Planning Advisory Committee

- 1) Planning
 - Official Plan
 - Zoning By-law
 - Site Plan Control
 - Development Agreements
 - Subdivider Agreements
 - Road Names
 - Civic Addressing
- 2) Administration
 - Facilities specific to Planning and Development
 - Administration specific to Planning and Development staff.
- 3) Other Committees, Boards, Agencies and Services
 - Heritage Committee
 - Committee of Adjustment

Public Works Committee

- 1) Roads
 - Facilities
 - Equipment
 - Maintenance/Construction
 - Winter Control
 - Bridges, Culverts
 - Road Allowance
 - Opening, Closing

- 2) Vehicular Traffic
 - Transportation routes
 - Road side parking
 - Traffic Control systems
- 3) Pedestrian traffic
 - Sidewalks
 - Crosswalks
- 4) Gravel Pits
- 5) Railway Crossings
- 6) Streetlights
- 7) Storm Drainage
 - Collection System
 - Storm Water Management Systems
 - Municipal Drains
 - Tile Drainage
- 8) Municipal Parking lots
- 9) Solid Waste
 - Collection
 - Disposal
 - Diversion
- 10) Water
 - Supply
 - Transmission
 - Distribution
 - Groundwater Protection
 - Rural Water Quality
 - Quality Control
- 11) Wastewater
 - Collection
 - Treatment
 - Disposal
- 12) Environmental Assessments
- 13) Engineering/Technical Services
- 14) Administration
 - Administration specific to Public Works Roads staff
- 15) Other Committees, Boards, Agencies and Services
 - Waste Management/Landfill Liaison Advisory Committee
 - Rural Water Quality Advisory Committee

SCHEDULE "B"**COUNTY OF BRANT****ACCOUNTABILITY AND TRANSPARENCY POLICY****1. Purpose/Application**

The *Municipal Act, 2001* (the Act) requires that all municipalities adopt and maintain a policy with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public. The purpose of this policy is to provide guidance for the delivery of the County of Brant's activities and services in accordance with the principles as outlined herein. This policy has been developed in accordance with the Municipal Act to comply with Section 270.

2. Definitions:

- a) **Accountability** – The principle that the municipality will be responsible to the public for decisions made and policies implemented, as well as its actions or inactions.
- b) **Transparency** – The principle that the municipality's decision-making process is open, clear and visible to the public and actively encourages and fosters public participation and openness in its decision-making processes.

3. Policy Statement

The Council of the County of Brant is committed to provide good government for its stakeholders in an accountable and transparent manner by:

- encouraging public access and participation to ensure that decision making is responsive to the needs of its constituents and receptive to their opinions;
- delivering quality services to the citizens; and
- promoting the efficient use of staff and public resources.

Accountability, transparency and openness are standards of good governance that enhance public trust. They are achieved through the County of Brant adopting measures to ensure, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to its stakeholders. In addition, wherever possible, the municipality will engage its stakeholders throughout its decision-making process which will be open, visible and transparent to the public.

4. Policy Requirements

The principles of accountability and transparency apply to both the political and decision-making process and to the administrative management of the County of Brant. Accountability and transparency are demonstrated to the public through the adoption of various by-laws, policies and procedures, as well as adherence to various Provincial legislative requirements. These include the following:

a. **Open Government & Legislated Requirements**

The County of Brant adheres to the following Provincial legislation that ensures that the municipality conducts its business in an accountable and transparent manner:

- i. The Municipal Act, 2001
- ii. Municipal Conflict of Interest Act
- iii. Municipal Freedom of Information & Protection of Privacy Act.
- iv. Health Information Protection Act.
- v. Public Sector Salary Disclosure Act

b. **Public Participation and Information Sharing**

The County of Brant ensures that it is open and accountable to its stakeholders through implementing processes outlining how, when and under what rules meetings will take place. The municipality's meetings will be open to the public when and as required under the Act, and members of the public will have an opportunity to make delegations or comments in writing on specific items at these meetings. In addition, the municipality has adopted policies for the timely disclosure of clear and easily understood information by various means including print media, websites, etc. which ensure that the public is informed and able to participate in a meaningful and effective manner. Some specific examples include:

- i. Procedure by-law, including rules for delegations and Code of Conduct for Council and Staff
- ii. Records retention
- iii. Planning processes as legislated by The Planning Act
- iv. Notice to the Public By-law
- v. Closed Meeting Investigator
- vi. Delegation of Powers and Duties Policy
- vii. Participation in the Ontario Municipal Benchmarking Initiative and Reports

c. **Financial Matters**

The County of Brant will be open, accountable and transparent to its stakeholders in its financial dealings as required under the Act. Some examples of how the municipality provides such accountability and transparency are as follows:

- i. External audit and report
- ii. Annual and quarterly financial statements
- iii. Five-Year capital budget
- iv. Purchasing by-law
- v. Sale of land by-law
- vi. Budget process
- vi. Annual report on Development Charges
- ix. Municipal Performance Measurement Program reporting

d. **Internal Governance**

The County of Brant administrative practices ensure specific accountability on the part of its employees through the following initiatives:

- i. Performance management and evaluation
- ii. Hiring Policy for the Employment of Relatives
- iii. Orientation/continuing education
- iv. Health and Safety policy and training

5. **Complaints**

The County Clerk shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of a written complaint, signed by the complainant, the Clerk shall notify:

- a. In the case of staff, the Department Head and the Director responsible for the area, as well as the C.A.O.
- b. In the case of Council, the Head of Council and the C.A.O.
- c. In the case of the Head of Council, the Committee of the Whole (In Camera)
- d. In the case of a closed meeting, the Meeting Investigator and the C.A.O.

SCHEDULE "C"**COUNTY OF BRANT****DELEGATION OF POWERS AND DUTIES POLICY****Purpose/Application**

The *Municipal Act, 2001* (the Act) requires that all municipalities adopt and maintain a policy with respect to the delegation of Council's legislative and administrative authority. The purpose of this policy is to set out the scope of the powers and duties which Brant County Council may delegate under its legislative and administrative authority and to establish principles governing such delegation. This policy has been developed in accordance with the Municipal Act in order to comply with its other applicable sections, including Section 270. This policy applies to all Committees of Council, Departments and staff.

Definitions

Legislative Powers – Includes all matters where council acts in a legislative or quasi-judicial function including enacting by-laws, setting policies, and exercising decision-making authority.

Administrative Powers – Includes all matters required for the management of the corporation which do not involve discretionary decision making.

Policy Statement

The Council of the County of Brant, as a duly elected municipal government, is directly accountable to its constituents for its legislative decision making, policies, and administrative functions. Council's decisions are generally expressed by by-law or resolution of Council carried by a majority vote. The efficient management of the municipal corporation and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to committees and staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative functions. Council authority will be delegated within the context set out in the Municipal Act and will respect the applicable restrictions outlined in the Act.

Policy Requirements

1. All delegations of Council powers, duties or functions shall be effected by by-law.
2. Unless a power, duty, or function of Council has been expressly delegated by by-law, all of the powers, duties and functions of council remain with Council.
3. A delegation of a power, duty or function under any by-law to any member of staff includes a delegation to a person who is appointed by the CAO to act in the capacity of the delegate in the delegate's absence.
4. All delegation of powers and duties may be revoked at any time without notice.

5. Legislative matters may be delegated by Council where they are minor in nature or where Council has explicitly provided for the terms and conditions under which the powers shall be exercised, and must take into account the following limitations set out in the Municipal Act:
 - the appointment or removal from office of statutory officers of the municipality;
 - the adoption or amendment of the budget;
 - the setting of taxes, user fees, tax rates and ratios;
 - the power to appoint or remove statutory officers;
 - the power to incorporate municipal corporations;
 - the power to adopt or amend its Official Plan;
 - the approval of a zoning by-law;
 - the approval of a community improvement plan;
 - issues related to small business counseling and municipal capital facilities;
 - other powers as prescribed

6. Administrative Matters may generally be delegated to staff subject to the conditions set out in the delegation and in this by-law and must take into account the limitations set out in the Municipal Act.

7. In exercising any delegated power, the delegate shall ensure the following:
 - the consistent and equitable application of Council policies and procedures;
 - any expenditure related to the matter shall have been provided for in the current year's budget (or authorized by the purchasing by-law);
 - the scope of the delegated authority shall not be exceeded by the delegate; and
 - where required by the specific delegated authority, reports shall be submitted to the appropriate Standing Committee advising of the exercise of a delegated power and confirming compliance with the delegated authority and this policy.



SCHEDULE 'D'

Request for Delegation

Attention: Clerk
County of Brant
26 Park Avenue
P.O. Box 160
Burford, Ontario; N0E1A0
E-mail: heather.boyd@brant.ca
Phone: 519-449-2451
Fax: 519-449-2454

Request Date: _____

Name of Individual(s) _____

Name of Organization (if necessary) _____

Email _____ Phone Number _____

Reason(s) for delegation request (subject matter to be discussed and any desired action of Council/Committee)

Are you submitting a formal presentation to accompany your delegation? [] Yes [] No
(If yes, please e-mail or drop off a copy of your presentation – electronic versions preferred)

Do you require a projector for your presentation? [] Yes [] No

Note: As per Procedural By-law 138-13, delegates are permitted ten (10) minutes to address Council/Committee. Once your information has been submitted, Clerk's Division staff will contact you to confirm your attendance at the appropriate Council/Committee meeting.

Personal information on this form is collected to create a record available to the general public as permitted by Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, C.M 56, as amended.

Questions about this information collection may be directed to the Supervisor of Information Services, 26 Park Ave. P.O. Box 160, Burford, Ontario, N0E 1A0; 519-449-2451.

Internal Use Only

Meeting Name: _____
Meeting Date: _____