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City of Burlington By-Law 64-2016

A by-law to provide for the rules of order of Council
and its Committees, and to repeal By-law 37-2014.
File: 110-04-1 (CL-21-16)

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

Whereas the City of Burlington Procedure By-law is recognized as a key document describing the municipality's accountability, transparency, and notice requirements; and

Whereas the Council of the City of Burlington deems it expedient to repeal and replace By-law 37-2014;

Now therefore the Council of The Corporation of the City of Burlington hereby enacts as follows:

DEFINITIONS

In this by-law:

- 1.1 "Abstain" means a member who is lawfully entitled to vote but chooses not to exercise their right to vote on a matter. When a member abstains from a vote without declaring a pecuniary interest they will be counted as opposed to the motion.
- 1.2 "Act" means the Municipal Act, S.O. 2001, c. 25.
- 1.3 "Board" in this by-law means a local authority established for the purpose of the municipality and does not include the Public Library Board.
- 1.4 "Chair" means the person presiding over a meeting of a Committee or Council.
- 1.5 "City" means The Corporation of the City of Burlington.
- 1.6 "Clerk" means the City Clerk of The Corporation of the City of Burlington and/or their designate.
- 1.7 "Committee" means a Committee of Council. This may be a Standing Committee or Citizen Advisory Committee.
- 1.8 "Consent Agenda" means a listing of items that include, but are not limited to, those with no delegations, where no discussion is anticipated, informational items, and routine matters.

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- 1.9 "Council" means The Council of the Corporation of The City of Burlington. The term Council also refers to Committees when no alternate rules are stated.
- 1.10 "Deputy Mayor" means a member acting in place of the Mayor when they are absent. This position is alternated by members who are not Committee Chairs on a monthly rotation.
- 1.11 "Ex-officio" means a member of a Committee by reason of holding another position, who has the rights and privileges of a full member or as otherwise outlined in this by-law or the Committee's Terms of Reference.
- 1.12 "Closed Session" means a meeting, or portion thereof, closed to the public in accordance with s. 239 of the *Municipal Act, S.O. 2001, c. 25*.
- 1.13 "Majority" means more than half of the votes cast by members entitled to vote and present at time of voting.
- 1.14 "Meeting" means any regular, special or other meeting of Council, or Committee; **where**
- i. **a Quorum of Members is present, and**
 - ii. **Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council or Committee.**
- 1.15 "Member" means a member of the Council of The Corporation of the City of Burlington, or a member of a Standing Committee, or Advisory Committee of the Council.
- 1.16 "Notice of Motion" means an advance notice to members of a matter on which Council will be asked to take a position.
- 1.17 "Pecuniary Interest" means a direct or indirect financial impact in accordance with the *Municipal Conflict of Interest Act, R.S.O. 1990, c.M. 50*.
- 1.18 "Point of Order" means a matter that a member considers to be a departure from or contravention of the rules, procedures and/or generally accepted practices of Council.
- 1.19 "Point of Privilege" means a matter that a member considers to question their integrity and/or the integrity of the Council.
- 1.20 "Quorum" means a majority of the total number of voting members currently on Council, or Committee. For Audit Committee purposes a quorum must consist of at least one member of Council and at least one citizen member.
- 1.21 "Recorded Vote" means documenting in the minutes of a Council meeting the name of each member and their vote on a public matter or question, in favour, opposed, or absent.

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- 1.22 “Regular Meeting” means a scheduled meeting held in accordance with the approved calendar/schedule of meetings.
- 1.23 “Rules of Procedure” means the rules and regulations contained in this by-law.
- 1.24 “Special Meeting” means a meeting not scheduled in accordance with the approved calendar/schedule of meetings.
- 1.25 “Standing Committee” means any Committee outlined in the Procedure By-law and having an ongoing mandate or purpose.
- 1.26 “Unreasonable or Offensive Conduct” means conduct or statements that can be considered to be aggressive, abusive, threatening, intimidating, violent, harassing, defamatory, frivolous, or vexatious.**

APPLICATION

- 2.1 The rules of procedure contained in this by-law will be observed in all proceedings of Council and will be the rules for the order and dispatch of business in Council and, with the necessary modifications, in Standing Committees.
- 2.2 Any rules or regulations contained in this by-law may be temporarily suspended, except for those rules or regulations that are set out by legislation, with the consent of at least two-thirds of the members present.
- 2.3 The Clerk will be responsible to interpret the rules of procedure under this by-law.
- 2.4 All points of order or procedure for which rules have not been provided in this by-law will be decided by the Chair in accordance, as far as is reasonably practicable, with the rules of parliamentary law as contained in Robert's Rules of Order.
- 2.5 All boards that may be described as Local Boards under the *Municipal Act*, S.O. 2001, c. 25 and Citizen Advisory Committees of the City will use the rules of order and debate and relevant provisions of this by-law to govern the calling and proceedings of meetings.
- 2.6 All groups, agencies, firms or corporations that receive funding from Council and/or the City of Burlington will adopt provisions related to access of public meetings similar to this by-law.

ROLES AND DUTIES

3. Mayor

- 3.1 It is the role of the head of Council to:
- a) carry out the responsibilities of their roles as described in section 225 of the *Municipal Act, S.O. 2001*;
 - b) represent and support the Council and its decisions in all matters;
 - c) represent the municipality at official functions;
 - d) preside over all Council meetings, unless unavailable, in which case the Deputy Mayor will act as the presiding officer.
- 3.2 The Mayor's Chain of Office, is worn only by the elected Mayor during Council meetings and special functions including official openings, parades, etc., at the Mayor's discretion.

4. Deputy Mayor

- 4.1 Except as outlined in section 3, when the Mayor gives notice to the Clerk that they will be absent from the City, or is absent through illness, or their office is vacant, then the Deputy Mayor will act in the place of the Mayor, and while so acting, has and may exercise all the rights, powers and authority of the Head of Council.
- 4.2 The function of the Deputy Mayor is for corporate/administrative purposes, and will be filled by the members who are not Chair of a Standing Committee.
- 4.3 The rotation of the Deputy Mayor will be on a monthly basis starting with the member from Ward 1, and continuing in numerical order through each ward, subject to the provisions of section 4.2 and availability.

5. Chair

- 5.1 The Chair, will act as presiding officer over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meetings, subject to an appeal by any member to the Committee, or Council of any ruling of the Chair.
- 5.2 If the Chair desires to leave the Chair for the purpose of taking part in the debate or otherwise, they will call on the Vice-Chair, or in the absence of the Vice-Chair, on another member, to fill their place until resuming the Chair.

6. Members of Council

- 6.1 It is the role of the members of Council to:
- a) carry out the responsibilities of their roles as described in section 224 of the *Municipal Act, S.O. 2001*;
 - b) uphold the by-laws and policies of the Corporation of the City of Burlington;

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- c) deliberate on the business submitted to Committee and Council;
- d) vote on all motions before Council;
- e) respect the rules of procedures at all meetings.

7. Clerk

7.1 It is the role of the Clerk to:

- a) carry out the responsibilities of their roles as described in section 228 of the *Municipal Act, S.O. 2001*;
- b) provide procedural advice to the Chair and to members on agenda business and on preparing motions;
- c) ensure notice of meetings is provided as set out in this by-law;
- d) make minor deletions, additions or other administrative changes to any by-law, motion, and/or minutes to ensure the correct and complete implementation of the actions of Council;
- e) authenticate by signature when necessary all resolutions, by-laws and minutes of meetings and certify copies of such documents when required;
- f) perform such other duties as prescribed by law, or by direction of Council.

7.2 The Clerk will be present at all meetings of Committee and Council.

STANDING COMMITTEES OF COUNCIL

8. Organization and Rules

8.1 There are three Standing Committees of Council being Planning & Development, Committee of the Whole, and Audit.

8.2 Committees will observe the rules of Council unless otherwise stated in this by-law. Exceptions include, but are not limited to the following:

- a) motions do not require a seconder;
- b) motions may be made verbally and are not required to be made in writing; and
- c) recorded votes are not permitted.

9. Membership

9.1 All members of Council are members of the Planning & Development and Committee of the Whole Standing Committees.

9.2 The Audit Committee is made up of the following voting members: three members of Council, a minimum of two and maximum of four citizen representatives (community volunteers) and the Mayor, who is an ex-officio voting member of the Committee.

10. Election of Chair and Vice-Chair

- 10.1 Each Standing Committee, except for Audit, will elect a Chair and Vice-Chair at the first meeting after the inaugural meeting of Council and in December each subsequent year. The term of Chair and Vice-Chair will commence on January 1 until December 31, or until a successor is appointed.
- 10.2 The Audit Committee will elect a Chair and Vice-Chair at the first meeting after the inaugural meeting of Council and in December of the end of the second year of Council's term. The term of Chair and Vice-Chair for the Audit Committee will be for two years and will commence on January 1 until December 31 of the second year, or until a successor is appointed.
- 10.3 There is no limit to the number of terms that a Chair or Vice-Chair may serve.

11. Date, Time, and Place of Meetings

- 11.1 The Standing Committees will meet in the Council Chambers of Burlington City Hall, 426 Brant Street, unless otherwise indicated, generally on the following days and times, in accordance with the calendar set annually and approved by Council:

Committee of the Whole (COW)

Mondays at 1 p.m. and/or 6:30 p.m.
As scheduled for budget meetings.

Planning & Development Committee (PD)

Tuesdays at 1 p.m. and/or 6:30 p.m.
As scheduled at 6:30 p.m. for public meetings.

Audit Committee (Audit)

Wednesdays at 3:30 p.m.

Committee of the Whole - Workshop (COWW)

As scheduled, Thursdays at 1 p.m. for matters where committee time is required for training, discussions with other levels of government and outside agencies, workshops on complex matters, strategic planning or consideration of additional matters that were not able to be handled during the meeting times of the other Standing Committees.

12. Duties of the Standing Committees

Standing Committees will receive public delegations for input and report to Council on all matters connected with their duties, or referred to them by the Mayor and/or by Council and to recommend such action as they deem necessary.

13. Duties of the Planning & Development Committee

- 13.1 The Planning & Development Committee will meet and report to Council on:
- a) matters under the jurisdiction of the Planning and Building, and Transportation Services departments;
 - b) public hearings pursuant to the *Planning Act, RSO 1990, c. P.13*, as amended.
 - c) matters arising from the following boards and citizen advisory committees:
 - Aldershot BIA
 - Burlington Chambers of Commerce
 - Burlington Downtown Business Association
 - Burlington Economic Development Corporation (BEDC)
 - Committee of Adjustment
 - Heritage Burlington Advisory Committee
 - Integrated Transit Advisory Committee (ITAC)
 - Property Standards Committee

14. Duties of the Committee of the Whole

- 14.1 The Committee of the Whole will meet and report to Council on:
- a) matters under the jurisdiction of the Burlington Fire, Burlington Transit, Capital Works, City Manager's Office, Clerks, Finance, Legal, Human Resources, Information Technology Services, Parks and Recreation, Roads and Parks Maintenance departments, and;
 - b) the current and capital budgets;
 - c) all public meetings under the *Development Charges Act, 1997, S.O. 1997, c. 27*;
 - d) matters arising from the following boards, citizen committees and citizen advisory committees:
 - Burlington Accessibility Advisory Committee (BAAC)
 - Burlington Art Centre Board (BAC)
 - Burlington's Best Committee
 - Burlington Cycling Advisory Committee
 - Burlington Hydro Electric Inc. (BHEI)
 - Burlington Inclusivity Advisory Committee (BIAC)
 - Burlington Mundialization Committee
 - Burlington Museums Board
 - Burlington Performing Arts Centre
 - Burlington Public Library Board (BPL)
 - Burlington Seniors Advisory Committee (BSAC)
 - Downtown Parking Advisory Committee
 - Sustainable Development Advisory Committee
 - Tourism Burlington

15. Duties of the Audit Committee

- 15.1 It will be the duty of the Audit Committee to meet as required, to study and report to Council on:
- a) the proper environment for management of public funds, including appropriate financial reporting, policies and controls and the efficiency and effectiveness of the utilization of the City's resources on programs and projects;
 - b) the annual financial statements;
 - c) all external and internal audit matters, including selection of the external auditor, the annual audit of the City's financial statements and matters recommended by the external auditor;
 - d) compliance with laws, regulations and policies.

CITIZEN ADVISORY COMMITTEES OF COUNCIL

16. Citizen Advisory Committees

- 16.1 Council may, at anytime, establish a citizen committee to advise Council on matters within their jurisdiction.
- 16.2 Members of the Committees will be appointed by Council at the recommendation of the Clerk.
- 16.3 Unless necessary, only one member of Council will be appointed to each board and/or Citizen Advisory Committee to act as a liaison to the committee. Members of Council are not eligible to act as Chair or Vice-Chair and are not voting members.
- 16.4 Citizen Advisory Committees will be reviewed at the beginning of each term of Council.
- 16.5 All Citizen Advisory Committees will follow the rules of Standing Committees unless otherwise stated in their terms of reference approved by Council.
- 16.6 If a quorum for a Citizen Advisory Committee meeting is not present within fifteen (15) minutes of the time fixed for the commencement of the meeting, the Committee may proceed without a quorum, provided that at least three members are present. The Clerk is not required to be present and no motions will be passed.

COUNCIL AND COMMITTEES OF COUNCIL

17. Meetings Open to the Public

- 17.1 Except as provided in this by-law, all meetings will be open to the public.
- 17.2 The chair may expel or exclude from any meeting any person who has engaged in improper conduct at the meeting.

18. Inaugural Meeting of Council

18.1 The inaugural meeting of Council will be held in Burlington at 6:30 p.m. on the first Monday in December following a regular municipal election at a location to be fixed by the Clerk.

19. Notice of Meeting

19.1 The Clerk will provide notice to the public of all meetings of Council, agendas, cancellations and re-scheduling by:

- a) posting the annual schedule of meetings on the City's website and by distributing copies upon request;
- b) updating the City's website calendar within twenty-four hours of any changes made to the schedule;

19.2 The agenda for each regular Council or Committee meeting will be posted to the City's website not less than seventy-two hours before the hour appointed for the holding of the meeting.

19.3 The agenda for each Special Meeting of Council or Committee will be posted on the City's website not less than forty-eight hours before the time set for such special meeting.

19.4 Notice of a Special Meeting of Council will indicate date, time, location and purpose of the meeting as well as the contact information of the Clerk.

19.5 A Special Meeting of Council may be held, without notice, to deal with an emergency situation as defined in the City of Burlington's Emergency Management By-law, provided that an attempt has been made to reach the members by telephone and/or e-mail at their respective residence and/or place of business. No business except business dealing directly with the emergency situation will be transacted at that meeting.

19.6 Lack of receipt of the notice will not affect the validity of holding the meeting nor any action taken at the meeting.

19.7 The Chair may, if it appears that a storm or like occurrence will prevent the members from attending a meeting, postpone that meeting by advising the Clerk and as many members as they are able to reach. Postponement will not be for any longer than the next regularly scheduled meeting of that Committee or Council.

20. Regular Meetings

- 20.1 Regular meetings of Council will be held in the Council Chambers of Burlington City Hall at 426 Brant Street, commencing at 6:30 p.m. on Mondays according to the calendar set annually and approved by Council. If the said Monday is a holiday, the meeting will be held on the following business day.
- 20.2 Council may by resolution alter the time, day, and place of any meeting previously approved under section 20.1
- 20.3 The Mayor or Chair, may, with appropriate notice, postpone or cancel any regular Council, or Committee meeting if, in consultation with the Clerk, it has been determined that there are insufficient agenda items for the meeting, or if it appears that inclement weather or an emergency situation will prevent the members from attending.

21. Special Meetings

- 21.1 The Mayor and/or City Manager may at any time call a special meeting of Council and, upon receipt of a petition of the majority of Members of Council or upon approval of a Council resolution authorizing a special Council meeting, the Clerk shall call a special meeting of Council for the purpose and/or at the time mentioned in the petition or resolution.
- 21.2 Notice will be provided by the Clerk in accordance with section 19 of this by-law.
- 21.3 No business may be considered at a special meeting of Council or of a Committee other than that specified in the notice, or agenda.

22. Closed Session

- 22.1 In accordance with sections 239(2) and 239(3) of the *Municipal Act, S.O. 2001, c. 25*, a meeting, or part of a meeting may be closed to the public if the subject matter being considered is:
- a) the security of the property of the municipality or local board;
 - b) personal matters about an identifiable individual, including municipal or local board employees;
 - c) a proposed or pending acquisition or disposition of land by the municipality or local board;
 - d) labour relations or employee negotiations;
 - e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
 - h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;**

- i) **a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, organization;**
 - j) **a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;**
 - k) **a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board;**
 - l) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act;
 - m) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13 (1) of the *Municipal Act*, or the investigator referred to in subsection 239.2 (1) of the *Municipal Act*;
 - n) educational or training of the members where 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.
- 22.2 Prior to moving into a closed session for one of the reasons listed in section 22.1, Council will pass a motion stating:
- a) the fact that Council is convening into closed session;
 - b) the specific provision under the *Municipal Act* that permits the item to be considered in a closed session; and
 - c) the general nature of the matter to be considered.
- 22.3 Attendance in closed sessions will be limited to the members of Council, Clerk, City Manager and those specifically invited to remain by Council.
- 22.4 Members are prohibited from discussing any additional matters during a closed session other than those identified by the motion passed under section 22.2.
- 22.5 When in closed session a vote will not be taken unless the vote is for a procedural matter, or for giving direction to staff or other individuals under 239(6) of the *Municipal Act*.
- 22.6 On reconvening in public session the Chair will accept a motion regarding the matters discussed in closed session, or alternatively advise that direction had been given to staff during the closed session in accordance with the *Municipal Act*.
- 22.7 The use of electronic devices to record proceedings of a closed session is prohibited.

22.8 The Clerk is responsible for maintaining a confidential copy of all original documentation distributed and confidential minutes of all closed sessions.

23. Call to Order and Quorum

23.1 The Chair will call the meeting to order as soon after the hour of meeting as a quorum is present. Quorum is achieved when a majority of the members are present. For Standing Committee and Council purposes, four members will constitute a quorum. For Audit Committee purposes at least one member present must be a member of Council and at least one member must be a citizen member.

23.2 If a quorum for a Council, or Committee meeting is not present within fifteen (15) minutes of the time fixed for the commencement of the meeting, the Clerk will indicate that no quorum is present and the meeting will stand adjourned until the next meeting of Council.

23.3 Where the number of members who are unable to participate in a meeting by reason of the provisions in the *Municipal Conflict of Interest Act*, R.S.O.1990, c.M. 50, such that at that meeting the remaining members are insufficient to constitute quorum, the remaining members will be deemed to constitute a quorum, provided such number is not less than two.

23.4 If during the course of a Council meeting, a quorum is lost, the Chair will declare that the meeting will stand recessed temporarily or be adjourned until the date of the next regular meeting.

24. Disclosure of Pecuniary Interest

24.1 It is the responsibility of each member to identify and disclose a pecuniary interest on any item or matter before Council, or Committee in accordance with the *Municipal Conflict of Interest Act*, R.S.O.1990, c.M. 50.

24.2 Where a member 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 will, in accordance with *Municipal Conflict of Interest Act*, R.S.O.1990, c.M. 50 (5):

- a) prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- b) not take part in the discussion of, or vote on any question with respect to the matter;
- c) not attempt in any way before, during and/or after the meeting to influence the vote on the matter.

24.3 Where a meeting is not open to the public, in addition to complying with the requirements under the *Municipal Conflict of Interest Act*, the member will forthwith leave the meeting for the part during which the matter is under consideration.

24.4 The Clerk will record the particulars of any disclosure of pecuniary interest made by members of Council or Committees in the minutes of that meeting.

25. Meeting Recess

25.1 Council may, after ninety minutes of consecutive deliberation, recess for a period deemed appropriate by the Chair.

26. Adjournment Hour

26.1 All meetings will adjourn when Council, or Committee have completed all business listed on the agenda, or at 10 p.m., whichever is earlier.

26.2 Where the business before Council or Committee has not been completed by the adjournment hour, a motion may be passed by two-thirds vote of the members present to proceed beyond the hour of 10 p.m. to continue any unfinished business.

26.3 Notwithstanding section 26.2 above, no meeting will proceed beyond the hour of 10:30 p.m.

26.4 Unless decided otherwise prior to the adjournment of the meeting, any unfinished business will be discussed at the next scheduled Council meeting.

COUNCIL AND COMMITTEE AGENDAS AND MINUTES

27. Council Agenda

27.1 The Clerk will prepare for the members of Council the order of business as follows:

- a) Call to Order
- b) National Anthem
- c) Regrets
- d) Proclamations
- e) Motion to approve Council Minutes
- f) Recognitions and Achievements
- g) Presentations
- h) Declarations of Interest
- i) Delegations
- j) Correspondence
- k) Recommendations from Standing Committees
- l) Motion to Approve Standing Committee Minutes
- m) Reports of Municipal Officers
- n) Notice of Motion
- o) Motion
- p) Motion to Receive and File Council Information Package
- q) Motion to Receive and File Information Items
- r) Motion to Consider Confidential Items
- s) Motion to Approve By-laws

- t) Motion to Confirm Proceedings of the Council Meeting
- u) Statement by Members
- v) Motion to Adjourn

27.2 The business of Council will be taken up in the order on which it appears on the agenda unless otherwise directed by the Mayor, or at the request of a member, or the Clerk.

27.3 Each member will have a limit of three minutes to speak regarding Statement by Members. During this time a member will limit their comments to three items. Speaking items, and/or time may be extended by a majority vote of the members present. Discussion during this agenda item is non-debatable.

28. Council Information Package (CIP)

28.1 The Clerk will have prepared weekly, or as frequently as may be required, a Council Information Package for members of Council. If any member prefers to have an item of correspondence contained therein dealt with by a Standing Committee, the member will contact the Clerk and it will be placed on the appropriate committee agenda.

28.2 Items within the Council Information Package may include, but are not be limited to: internal informational communications in memo format and correspondence from external bodies including other municipalities and levels of government.

29. Standing Committee Agenda

29.1 The Clerk will prepare for the members of Committee the order of business which may include, but not be limited to, the following:

- a) Declarations of Interest
- b) Statutory Public Meetings
- c) Delegations
- d) Consent Agenda
- e) Regular Agenda
- f) Confidential Items
- g) Procedural Motions
- h) Information Items
- i) Staff Remarks
- j) Committee Remarks
- k) Adjournment

29.2 The business of Committee will be taken up in the order on which it appears on the agenda unless otherwise directed by the Chair, or at the request of a member, or the Clerk.

30. Consent Agenda

30.1 Items that will be placed on the consent agenda include, but are not limited to, those

- 30.2 with no delegations, where no discussion is anticipated, informational items, and routine matters.
- 30.3 All items listed in the consent agenda are subject to a single motion that is neither debatable, nor amendable. A member may make a brief comment regarding a consent item prior to the consideration of the motion, however, if an item requires further discussion, debate, or an amendment it must be removed from the consent agenda and placed on the regular agenda for discussion.

31. Notice of Motion

- 31.1 A notice of motion must be made in writing and delivered to the Clerk by the agenda deadline in order to be included on the agenda for introduction.
- 31.2 Reports of Committees included in the Council agenda will constitute notice of motion with respect to any matter contained in the reports and recommended by any Committee for adoption by Council.
- 31.3 Staff reports in the Council agenda, listed as Reports of Municipal Officers, not having been considered by any Committee for adoption by Council, will constitute notice of motion for the purposes of any relevant motion brought at Council.
- 31.4 Where it is deemed necessary to not delay the consideration, a notice of motion may be considered by Council immediately upon its introduction by a successful two-thirds vote of the members present.

32. By-Laws

- 32.1 Every by-law being considered will be listed in the Council agenda by an identifying number, followed by a brief description of the intention of the by-law. Every by-law will be in writing and shall require only one reading prior to being passed by a majority vote of Council.
- 32.2 Unless separated at the request of a member, all by-laws proposed for adoption will be passed collectively by a single motion.
- 32.3 Every by-law passed by Council will be sealed with the seal of the Corporation, signed by the Mayor, or Chair of the meeting at which the by-law was passed, and by the Clerk present at the meeting, and deposited with the Clerk to become part of the official record.
- 32.4 A by-law will be passed for each regular or special Council meeting to confirm the proceedings thereof.
- 32.5 The Clerk is authorized to make minor corrections to any by-law resulting from technical or typographical errors prior to the by-law being signed.

33. Minutes

33.1 Minutes shall record:

- a) the place, date and time of meeting;
- b) the name of the Chair and the record of the attendance of the members;
- c) declarations of pecuniary interest;
- d) the motions considered and votes taken by Council, or Committee; and
- e) except as provided elsewhere in this by-law, all the other decisions or authorized actions without note or comment

33.2 Confidential Session minutes shall record:

- a) the place, date and time of meeting;
- b) the names of the Chair and the record of the attendance of the members and any other attendees;
- c) a description of the substantive and procedural matters discussed, including specific reference to any documents considered;
- d) the procedural motions considered and votes taken by Council, or Committee; and
- e) all directions given.

33.3 The minutes of each Council and Committee meeting shall be presented to Council at the next regular meeting for confirmation.

33.4 Reports considered in confidential session shall be released to the public upon Council direction; in accordance with a legal opinion; or in conformity with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

RULES OF CONDUCT AND DEBATE

34. Conduct of Members

34.1 Members of Council and Standing Committees will:

- a) act in accordance with their Declaration of Office under the *Municipal Act, 2001*;
- b) discharge with integrity all responsibilities to Council, the City of Burlington, and the public, in keeping with approved corporate policies;
- c) where the member is involved in an issue outside the member's own ward,
- d) inform the ward councillor of such involvement;
- e) only speak in a respectful manner of the Reigning Sovereign, any member of the Royal Family, the Governor-General, the Lieutenant-Governor, the Head of the Government of Canada, or the Province of Ontario;
- f) treat the Chair, other members, staff, and delegates from the public with courtesy, respect and good faith;
- g) hold in strict confidence all information concerning matters dealt with in closed session. The member will not release, make public or in any way divulge any such confidential information or any aspect of the closed session deliberations, unless expressly authorized or required by law;
- h) be encouraged to ask any relevant questions of staff prior to any meeting where

- i) an issue may be introduced or debated so that staff may be able to have appropriate information at such meeting if necessary;
- j) not leave their seat or make any noise or disturbance while a vote is being taken
- k) and until the result is declared;
- l) not criticize any decision of the Council except for the purpose of introducing a motion for reconsideration;
- m) not disobey the rules of the Council or a decision of the Chair or Council on a question of order, practice or interpretation of the rules of the Council;
- n) turn off, or silence, all electronic devices except those in use to facilitate the meeting.

34.2 Where a member has been called to order by the Chair for disregarding the rules of procedure and the member persists in such conduct, the Chair may order the member to vacate the meeting place. If the member apologizes, the Chair may permit the member to retake their seat.

34.3 If the member called out of order does not apologize and will not leave their seat, the Chair will recess the meeting and request that the Clerk contact security.

35. Public Conduct at Council and Committee Meetings

35.1 Only members and authorized City staff will be allowed to proceed beyond the speaker's podium without permission of the Chair, or Clerk.

35.2 Public attendees must maintain order and will not display signs or placards, applaud, heckle, or engage in telephone or other conversation, or any behaviour that may be considered disruptive. No person will use indecent, offensive, or insulting language or speak disrespectfully to anyone in Council Chambers.

35.3 All electronic devices must be turned off or switched to silent during Council and Committee meetings. Photography and video should be kept to a minimum during a meeting and will only be permitted so long as it does not interfere with the meeting in any way. At any time during the meeting, at the discretion of the Clerk, use of electronic devices may also be prohibited if it is believed that the use is interfering with any audio or video broadcast of the meeting.

35.4 Any person who contravenes any provision of this section may be expelled from the meeting by the Chair.

36. Presentations

36.1 Presentations addressing matters relevant to the City and seeking to provide information, or receive input from Council, or Committee will be permitted from any local board or similar authority including relevant agencies, boards, commissions as well as other levels of government and City staff.

36.2 Presentations of a maximum of ten minutes will be permitted provided that the presenter, or their representative has requested and been granted status from the Clerk before the agenda is published.

36.3 Council may limit or extend the time allowed for a presentation by a majority vote.

37. Delegations

37.1 Requests to delegate at a Committee meeting must be submitted to the Clerks Department prior to noon the day before a meeting. If the meeting is held on a Monday afternoon delegations must register prior to 9:30 a.m. on the day of the meeting.

37.2 Requests to delegate at Council must be submitted to the Clerk by noon on the day of the Council meeting.

37.3 Any person, group of persons, or organization may request to speak to an item listed on the agenda provided that the subject matter of the delegation directly relates to the item on the agenda. All requests to delegate must be made in writing to the Clerk, outline the nature of their request, and include any additional material (i.e. PowerPoint) by the deadline stated in 37.1 and 37.2.

37.4 If a delegate requests to speak regarding a matter not listed on the agenda they must provide the Clerk with a written submission outlining their request. It will be at the discretion of the Clerk in consultation with the Chair, if the item is an appropriate matter to be considered by Council.

37.5 All delegations will be heard at Standing Committee. Where a delegate has spoken at Committee, a further delegation request by the delegate, or a related party, will not be permitted on the Council agenda unless the delegation is bringing forward new information. Only the new information will be heard.

37.6 The Clerk will provide the Chair with all requests to delegate submitted after the deadlines stated in 37.1 and 37.2, for Council consideration. A majority vote is required to permit the delegate to speak.

37.7 Delegations will be permitted without prior registration during any public meeting as required by section 14.1 of the *Planning Act, R.S.O. 1990, c. P.13*. Delegations are strongly encouraged to register before the standard delegation registration deadline and will be asked to fill in an attendance form to fulfill legislative notice requirements.

37.8 Delegations will generally be permitted to speak for a maximum of ten minutes at Committee and five minutes at Council. The allotted time includes any audio or video presentations, but does not include answering questions from members. If there are numerous delegates taking the same position on a matter, the Clerk will encourage them to select one spokesperson to present their views within the time allocation.

- 37.9 The speaking time for a delegation may only be extended by majority vote of the members present.
- 37.10 Delegations must abide by the rules of procedure and public conduct at meetings. They will accept any decisions of the Chair and not enter into cross debate with members, other delegations, or staff. Any discourse between members and the delegation will be limited to members asking questions for clarification and obtaining additional, relevant information only.
- 37.11 Where the City Manager determines that a person requesting to delegate is likely to engage in unreasonable or offensive conduct, make unreasonable or offensive statements or demands, repeatedly speak on a subject matter that is not within the City's jurisdiction, or otherwise misuse the privilege of addressing Committee or Council, the person will not be permitted to appear as a delegate at the meeting.**
- 37.12 If a request to delegate has been denied in accordance with 37.11 the City Manager will:**
- a) notify the requester that they will not be permitted to appear as a delegate and provide reasons for the decision; and**
 - b) inform the members of the decision to deny the request.**

38. Questions/Speaking

- 38.1 Members will be permitted to ask each delegation two questions at a time directly relating to the matter under consideration.
- 38.2 Prior to accepting a motion the Chair will permit two questions at a time from each member directly relating to the matter under consideration.
- 38.3 A member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding. All questions will be stated succinctly and will not be used as a means of making statements, or assertions.
- 38.4 All members will address their questions and comments through the Chair.
- 38.5 Members are encouraged to provide questions to staff prior to the meeting and address any answers received during the comments portion of the discussion.
- 38.6 When all questions have been addressed a member may move a motion. The Chair will allow the mover to address Council first.
- 38.7 To address Council a member will request to speak by raising their hand and wait to be recognized by the Chair.

- 38.8 The Chair will recognize the members who wish to speak in the order that they come to the Chair's attention. When a member has been recognized by the Chair as having the floor, the member will direct their comment to the Chair and speak only to the matter under consideration.
- 38.9 When a member is speaking, no other member will interrupt, except to raise a Point of Privilege or Point of Order.
- 38.10 Any member may require the motion under discussion to be read at any time during the debate so long as they do not interrupt a member while speaking.
- 38.11 No member will be permitted to speak a second time on an item of business until every member who desires to speak has spoken.
- 38.12 Each member will have a limit of five minutes to speak on a motion and will be given the option of an additional five minutes after every member has been allowed to speak. An additional five minutes will only be provided to members through the passing of a two-thirds vote.
- 38.13 The Chair may ask questions, or comment in a general manner without leaving their position. If the Chair wishes to make a motion, or speak to a motion taking a definite position then they must first leave the Chair position by calling on the Vice-Chair to fill their place until their comments are finished.

39. Motions

- 39.1 In Council, the following motions may be introduced verbally, without notice and without leave, except as otherwise provided by this by-law:
- a) a point of order or privilege;
 - b) to suspend the rules of procedure;
 - c) to postpone definitely (deferral motion with a specified date/meeting);
 - d) to refer;
 - e) to amend;
 - f) to postpone indefinitely (deferral motion without specifying a date/meeting);
 - g) to close debate;
 - h) to adjourn;
 - i) any other procedural motion.
- 39.2 All motions in Council must be in writing and signed by the mover and seconder. Motions in Standing Committee will be recorded by the Clerk and do not need a seconder.
- 39.3 The mover and seconder may withdraw a motion or a notice of motion at any time prior to it being opened for discussion by the Chair. If withdrawn prior to discussion, the motion is not included in the minutes of the meeting.
- 39.4 After a motion has been opened for discussion by the Chair, it will be deemed to be in

the possession of Council, but may be withdrawn by the originator at any time before a decision or amendment, provided Council does not object.

- 39.5 When a motion is under consideration, no new main motion will be accepted. Non-main motions are acceptable including procedural motions, and motions to refer, defer, and amend.
- 39.6 After a motion has been put to vote by the Chair, no member may speak to the motion nor will any other motion be made until after the vote is taken and the result has been declared.
- 39.7 A motion regarding a matter that is beyond the jurisdiction of Council will not be in order except a matter that, in the opinion of the majority of Council, has to do with the welfare of the citizens generally. The question of the opinion is to be decided without debate.
- 39.8 Appendix A of this by-law describes the form and standard descriptive characteristics of motions commonly used in Committee and Council.

40. Voting

- 40.1 Voting will be conducted in the following order:
- a) amendment to any amending motion;
 - b) upon determination of a) above, any subsequent amendment to the amending motion;
 - c) the amending motion;
 - d) the main motion (as amended or as originally presented).
- 40.2 When the motion under consideration contains distinct recommendations, a member may request that the vote be taken separately on each recommendation and no vote will be required to be taken on the matter as a whole.
- 40.3 When a vote is called by the Chair each member, unless they have declared a pecuniary interest, will vote by a clear show of hands. The Chair will first ask those in favour to raise their hands, followed by those opposed and will then declare the result of the vote. A vote will never be taken by secret vote, or ballot.
- 40.4 Every member present at a meeting will vote on every motion, unless prohibited by legislation. Failure to vote for any reason will be deemed to be a negative vote.
- 40.5 Except as provided elsewhere in this by-law, a motion will be considered carried when a majority of the members present and voting have voted in favour of the motion. When there is a tie vote the motion is lost.
- 40.6 In a Council meeting a recorded vote will be taken on all motions that move the business of the organization, where electronic voting is available. Recorded votes are not permitted in Committee Meetings.

40.7 During a recorded vote the Chair will call the vote in accordance with to section 40.3, while also asking members to vote electronically.

40.8 When electronic voting is not available, a recorded vote will be taken only upon the request by a member immediately before or after a vote is taken. When a recorded vote is required, the Chair will state the question and the Clerk will call for those members in favour to rise, at which time the Clerk will record the name of each member standing and their vote in favour. The Clerk will then call for those members opposed to rise, at which time the Clerk will record the name of each member standing and their vote in opposition. On the appropriate form, the Clerk will also record the number of members absent.

41. Reconsideration

41.1 Any proposal to reconsider, amend or rescind a previous decision of Council made within its current term shall require a motion of reconsideration.

41.2 A motion to reconsider a previous decision of Council made earlier in a meeting:

- a) may be presented at any time prior to the meeting's adjournment by any member who voted in the majority when the decision was made;
- b) may not be applied to a decision to postpone indefinitely; and
- c) requires an affirmative vote of the majority of the members present.

41.3 A motion to reconsider a previous decision of Council at a subsequent meeting:

- a) may only be introduced by a member who was present at the meeting and voted in the majority when the decision was made or who was not present at the meeting when the decision was made;
- b) will be introduced as a notice of motion in accordance with section 31 for consideration; and
- c) requires an affirmative vote of two-thirds vote of the members present

41.4 The mover of a motion to reconsider will specify whether the reconsideration will address the entire original decision of Council or part of the original decision.

41.5 Debate on a motion for reconsideration will be confined to reasons for or against reconsideration.

41.6 Discussion of the previous decision will not be in order until the motion to reconsider has been adopted.

41.7 Where the motion to reconsider is approved, reconsideration will become the next order of business unless the motion to reconsider included direction to postpone reconsideration to a definitive date.

41.8 A decision of Council can only be reconsidered once during a term of Council. A motion to reconsider a previous reconsideration will never be in order.

42. By-law 37-2014 is hereby repealed; and

The Corporation of the City of Burlington By-law 64-2016

- 43. Schedule A as affixed hereto form a part of this by-law; and
- 44. This by-law will come into full force and take effect on the final day of passing thereof.
- 45. Enacted and passed this 19 day of December, 2016.

_____MAYOR
Rick Goldring

_____CITY CLERK
Angela Morgan

SCHEDULE A - COMMON MOTIONS

1. Motion to Adjourn

1.1 A Motion to adjourn:

- a) is always in order except as provided by this by-law;
- b) is not debatable;
- c) is not amendable;
- d) is not in order when a member is speaking or during the verification of the vote.
- e) is not in order immediately following the affirmative resolution of a motion to close debate; and
- f) when resulting in the negative, cannot be made again until after some proceedings have been completed by Council.

1.2 A motion to adjourn without qualification, if carried, brings a meeting or a session of Council to an end.

1.3 A motion to adjourn to a specific time, or to reconvene upon the happening of a specified event, suspends a meeting of Council to continue at such time.

2. Point Of Privilege

2.1 A member may at any time raise a point of privilege directing attention to a matter that affects the integrity, character or reputation of an individual, individuals or the entire Council, or the ability of an individual to participate.

2.2 A point of privilege will take precedence over any other matter and a member will not be permitted to enter into any debate or introduce any motion not related to the point of privilege.

2.3 The Chair will decide upon the point of privilege and advise the members of the decision.

2.4 The Chair's decision is final unless a member immediately appeals the decision.

2.5 If the decision of the Chair is appealed, the Chair will immediately call a vote on the decision. The vote will occur without debate and the results will be final, based on a two-thirds vote.

3. Motion to Close Debate (Previous Question)

3.1 A motion to close debate:

- a) is not debatable;
- b) is not amendable;
- c) cannot be moved with respect to the main motion when there is an amendment under consideration;
- d) should be moved by a member who has not already debated the question.

- e) requires a two-thirds majority vote of members present for passage; and
- f) when resolved in the affirmative, the question is to be put forward without debate or amendment.

4. Motion to Postpone Definitely (Motion to Defer)

4.1 A motion to postpone definitely:

- a) will state a fixed time, or date;
- b) is debatable, but only as to whether the matter should be postponed and to what time;
- c) is amendable as to time and/or date;
- d) requires a majority vote of members present to pass; and
- e) will have precedence over the motions to refer, to amend, and to postpone indefinitely.

5. Motion to Refer (To Committee or Staff)

5.1 A motion to refer:

- a) will state the committee, or staff member where the motion is to be referred to;
- b) is debatable;
- c) is amendable; and
- d) will take precedence over all amendments of the main question and any motion to postpone indefinitely.

6. Motion to Amend

6.1 A motion to amend:

- a) is debatable;
- b) is amendable;
- c) will be relevant and not contrary to the principle of the motion under consideration; and
- d) may propose a separate and distinct disposition of a question provided that such altered disposition continues to relate to the same issue which was the subject matter of the question.

6.2 Only one motion to amend an amendment to the original motion will be allowed at one time. Further amendments will be considered after a vote on the amendment to the proposed amendment.

7. Motion to Postpone Indefinitely

7.1 A motion to postpone indefinitely:

- a) stops a motion and avoids a direct vote on the question;
- b) is debatable;
- c) is not amendable; and
- d) requires a majority vote.

8. Point of Order

- 8.1 A member may raise a point of order when they consider a matter to be a departure from or contravention of the rules, procedures and/or generally accepted practices of Council.
- 8.2 A member will raise the point of order by requesting the floor, and after being granted the floor by the Chair, they will state the point of order to the Chair. The Chair will make a timely decision on the point of order. Thereafter, the member will only address the Chair for the purpose of appealing the decision to Council.
- 8.3 If the member does not appeal, the decision of the Chair will be final. If the member appeals, the Chair will immediately call a vote on the decision. The vote will occur without debate and the results will be final, based on a two-thirds vote.

9. Motion to Suspend the Rules (Waive the Rules)

- 9.1 A motion to suspend the rules:
 - a) is not debatable;
 - b) is not amendable;
 - c) requires a two-thirds majority vote to carry; and
 - d) takes precedence over any motion if it is for a purpose connected with that motion.