

# **COUNCIL**

## **Chapter 15 PROCEDURE**

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**Article 1  
INTERPRETATION**

**15.1.1 Acting Mayor - defined**

“Acting Mayor” means the member of Council appointed by by-law to act in the place and stead of the head of Council in accordance with section 242 of the *Municipal Act, 2001*, as amended.

**15.1.2 Board or Advisory Committee - defined**

“Board or Advisory Committee” means a board or advisory committee created under Chapter 26 of the City of Brantford Municipal Code.

**15.1.3 Chair – defined**

“Chair” means the person who presides over a Meeting.

**15.1.4 Committee of the Whole – defined**

“Committee of the Whole” means a committee comprised of all members of the Council, which reports directly to Council.

**15.1.5 Construction - general**

This Chapter shall be liberally construed to secure a just and thorough discussion of municipal issues, in the most expeditious and least expensive manner reasonably possible.

**15.1.6 Council - defined**

“Council” means the municipal Council of The Corporation of the City of Brantford.

**15.1.7 Discriminating - defined**

“Discriminating” means practising a form of discrimination prohibited under the *Human Rights Code*, as amended.

**15.1.8 Emergency – defined**

“Emergency” shall have the same definition of “emergency” as prescribed by the *Emergency Management and Civil Protection Act*, as amended.

**15.1.9 Germane – defined**

“Germane” means closely or significantly related or relevant to a subject under consideration.

**15.1.10 Harassing - defined**

“Harassing” means practising a form of harassment as defined in and prohibited under the *Human Rights Code*, as amended.

**15.1.11 Hearing - defined**

“Hearing” means a hearing in any proceeding held under any statute.

**15.1.12 Impugned – defined**

“Impugned” means challenged or called into question.

**15.1.13 Leering– defined**

“Leering” means to look with a sideways or oblique glance, especially suggestive of lustfulness or sly, lewd and malicious intention.

**15.1.14 Meeting – defined**

“Meeting” means any regular, special or other meeting of the Council, of a local board or of a committee of either of them.

**15.1.15 Motion to Call the Question – defined**

“Motion to Call the Question” means a motion to end debate and to put the matter to an immediate vote.

**15.1.16 Municipal Staff – defined**

“Municipal Staff” means direct employees of The Corporation of the City of Brantford whether full-time, part-time, contract (including employees of staffing agencies) or casual (including students) but does not include volunteers, employees of local boards, subsidiaries of the City, bodies that have independent corporate existence or independent contractors and their employees.

**15.1.17 Point of Clarification – defined**

“Point of Clarification” means a question or request for information only from a member relating to the pending business.

**15.1.18 Point of Order – defined**

“Point of Order” means a statement made by a member during a Meeting, drawing to the attention of the Chair a breach of the rules of procedure.

**15.1.19 Point of Privilege – defined**

“Point of Privilege” means the raising of a question when a member believes that there has been a willful disregard by another member or any other person at the Meeting, wherein he or she believes that the freedom, dignity and lawful authority of a member or of Council as a whole have been Impugned.

**15.1.20 Presentation – defined**

“Presentation” means a delegation initiated by Council or Municipal Staff.

**15.1.21 Recorded Vote – definition**

“Recorded Vote” means the recording of each name of each member present and voting and the manner of their respective votes on a matter or question.

**15.1.22 Resolution – definition**

“Resolution” means a motion initiated by an individual member, which requires prior notice of motion.

**15.1.23 Standing Committee – definition**

“Standing Committee” means either the Finance Committee or the Social Services Committee.

**15.1.24 Task Force - defined**

“Task Force” means an ad hoc body established by Council for a specific purpose with a definite end date, but shall not include any Meeting of the Strategic Growth Negotiations Task Force when meeting with the Office of the Provincial Development Facilitator for the purposes of boundary discussions.

**15.1.25 Urgent - defined**

“Urgent” means requiring immediate action or attention.

**15.1.26 Web site – defined**

“Web site” means the official Web site of The Corporation of the City of Brantford.

**Article 2****COUNCIL AND COMMITTEES OF COUNCIL****15.2.1 Application**

This Chapter shall apply to the proceedings of the municipal Council of the City of Brantford, the committees created or continued under this Chapter and, with necessary modifications, to all Boards and Advisory Committees created under Chapter 26 of the City of Brantford Municipal Code and to any Task Forces created by Council. Proceedings not specifically governed by the provisions of this Chapter shall be interpreted in accordance with Robert’s Rules of Order.

**15.2.2 Council - statutory obligations**

Council shall fulfill all of the statutory obligations of a municipal Council, including, but not limited to, the consideration of such matters as are required to be considered by a municipal Council and the conduct of such Hearings as may be required or permitted to be held by a municipal Council under any statute.

**15.2.3 Advisory bodies - creation - reporting structure**

Any advisory or other body that is required to report to Council shall do so through the Committee of the Whole or a Standing Committee herein identified, unless a different reporting structure is established in this Chapter. The foregoing shall not restrict Council from creating advisory or other bodies from time to time and defining any reporting relationship it may choose for such advisory or other body.

**15.2.4 Committee of the Whole - Community Development - composition**

The Committee of the Whole – Community Development is created as a Committee of the Whole of Council consisting of the Mayor and all members of Council. By-law 64-2016, 26 April 2016.

**15.2.5 Committee of the Whole – Community Development - functions**

The Committee of the Whole - Community Development shall generally consider all matters from the Community Development Commission. The Committee of the Whole - Community Development shall hold public Meetings pursuant to the *Planning Act*, as amended, the *Development Charges Act, 1997*, as amended, and subsection 173(3) of the *Municipal Act, 2001*, as amended, regarding a restructuring proposal, and shall report to Council in connection therewith. By-law 64-2016, 26 April, 2016.

**15.2.6 Committee of the Whole - Community Development - Chair**

Meetings of the Committee of the Whole - Community Development shall be chaired by the Mayor. In the absence of the Mayor, the member of Council designated as Acting Mayor for that month shall chair the Meeting. In the absence of both the Mayor and the Acting Mayor for that month, the member designated as Acting Mayor for the following month and who is in attendance shall serve as Chair. By-law 64-2016, 26 April, 2016.

**15.2.7 Committee of the Whole - Operations and Administration - composition**

The Committee of the Whole - Operations and Administration is created as a Committee of the Whole of Council consisting of the Mayor and all members of Council.

**15.2.8 Committee of the Whole - Operations and Administration - functions**

The Committee of the Whole - Operations and Administration shall generally consider all matters from the Office of the Chief Administrative Officer, the Corporate Services Commission, the Community Programs and Recreation Commission, the Public Works Commission and matters from the Public Health, Safety and Social Services Commission that are not identified in Section 15.2.20. The Committee of the Whole - Operations and Administration shall also hear any other matters from other sources, if those sources are not otherwise required to report elsewhere. By-law 64-2016, 26 April, 2016.

**15.2.9 Committee of the Whole - Operations and Administration - Chair**

Meetings of the Committee of the Whole - Operations and Administration shall be chaired by the Mayor. In the absence of the Mayor, the member of Council designated as Acting Mayor for that month shall chair the Meeting. In the absence of both the Mayor and the Acting Mayor for that month, the member designated as Acting Mayor for the following month and who is in attendance shall serve as Chair.

**15.2.10 Estimates Committee - composition**

The Estimates Committee is created as a Committee of the Whole of Council consisting of the Mayor and all members of Council.

**15.2.11 Estimates Committee - functions**

The Estimates Committee shall consider and recommend the annual budget to Council, including any Council-approved reviews of services (*i.e.*, Continuum of Service) needed to meet budget targets.

**15.2.12 Estimates Committee – Chair – Vice-Chair**

The Estimates Committee shall be chaired by the Chair of the Finance Committee of the previous budget year. If the Chair of the Finance Committee of the previous budget year is no longer a member of Council, the Estimates Committee shall be chaired by the Vice-Chair of the Finance Committee of the previous budget year. If both the Chair and Vice-Chair of the Finance Committee are no longer members of Council, the Estimates Committee shall be chaired by such other member as determined by the Estimates Committee.

**15.2.13 Finance Committee – composition**

The Finance Committee is created as a Standing Committee of Council consisting of:

- (a) the Mayor; and
- (b) five (5) members of Council, with one (1) member from each ward.

The Ward Councillor who has not been appointed to the Committee shall serve as an alternate to the Ward Councillor who was so appointed, and may fully participate in Meetings of the Committee during the absence of the appointed ward representative. Members shall be appointed annually and, at the end of each term of appointment, continuation of membership to the next year shall require agreement by the Councillor's Ward mate.

**15.2.14 Finance Committee - functions**

The Finance Committee shall advise Council on matters relating to the finances of the municipality, including, without limitation, the development and implementation of the City's long-term strategic financial plan, internal and external audits, budget policy, budget monitoring, tax policies and policy direction and prioritization relating to financial matters and budgets.

The Finance Committee shall report directly to the Estimates Committee on the following matters:

- additional and future budget reduction options and strategy; and
- future annual Operating and Capital Budgets

The Finance Committee shall report directly to City Council on all other matters within its mandate.

The Finance Committee shall also serve as the audit committee of the municipality, but shall not perform the tasks of the Estimates Committee. By-law 24-2017, 28 February, 2017.

**15.2.15 Finance Committee – Chair and Vice-Chair**

The Finance Committee shall elect annually from its membership, a member to serve as Chair and Vice-Chair. The Chair of the Finance Committee shall not sit as Chair for consecutive years.

**15.2.16 Appointments Committee - composition**

The Appointments Committee shall be a Committee of the Whole of Council consisting of the Mayor and all members of Council.

**15.2.17 Appointments Committee - functions**

The Appointments Committee shall make recommendations to Council where Council exercises a power of appointment.

**15.2.18 Appointments Committee - Chair**

The Appointments Committee shall be chaired by the Mayor. In the absence of the Mayor, the member of Council designated as Acting Mayor for that month shall chair the Meeting. In the absence of both the Mayor and the Acting Mayor for that month, the member designated as Acting Mayor for the following month and who is in attendance shall serve as Chair.

**15.2.19 Social Services Committee - composition**

The Social Services Committee is created as a Standing Committee of Council consisting of:

- (a) the Mayor;
- (b) five (5) members of Brantford Council, with one (1) member from each ward. The Ward Councillor who has not been appointed to the Committee shall serve as an alternate to the Ward Councillor who was so appointed, and may fully participate in Meetings of the Committee during the absence of the appointed ward representative. Upon arrival of the appointed Ward Councillor, however, the appointed Ward Councillor would immediately assume all voting rights from their alternate, if one is present. Members shall be appointed annually and, at the end of each term of appointment, continuation of membership to the next year shall require agreement by the Councillor's Ward mate; and
- (c) four (4) nominees of the County of Brant chosen from among the Mayor and Council of the County of Brant, for such portion of the term of County Council as it may choose.

**15.2.20 Social Services Committee - functions**

The Social Services Committee shall offer advice and recommendations directly to Council in respect of the following:

- (a) matters affecting Ontario Works Brant, including Child Care Services;
- (b) matters affecting social housing;
- (c) matters affecting ambulance service;
- (d) matters affecting the John Noble Home; and
- (e) matters affecting the age-friendly community initiative.

**15.2.21 Social Services Committee - Chair - Vice-Chair**

The Social Services Committee shall elect annually from its membership a member of Brantford City Council to serve as Chair. The Chair of the Social Services Committee shall not sit as Chair for consecutive years. The Chair of the Social Services Committee shall automatically serve as Vice-Chair of the John Noble Home Committee of Management. The Chair of the John Noble Home Committee of Management shall be a member of the County of Brant Council and shall automatically serve as Vice-Chair of the Social Services Committee.

**Article 3  
SCHEDULE****15.3.1 Inaugural - date**

If possible, the inaugural Meeting of Council will be held on the first Monday in December in the year of a regular election.

**15.3.2 Schedule of regular Meetings - preparation**

The Clerk shall prepare a schedule of regular Meetings of Council, the Finance Committee, the Social Services Committee, the Committee of the Whole - Community Development, and the Committee of the Whole - Operations and Administration. The Clerk, or his/her designate, shall attend and take minutes at all such Meetings. By-law 64-2016, 26 April, 2016.

The Treasurer shall prepare a schedule of regular Meetings of the Estimates Committee. The Clerk, or his/her designate, shall attend and take minutes at all such Meetings.

The Clerk shall schedule Meetings of the Appointments Committee as needed.

Meetings will be scheduled on weekdays, with the exception of any Special Committee of the Whole retreats held for the purpose of strategic planning, and such Meetings may be scheduled on a Saturday.

**15.3.3 Special meeting - Council - Committees of the Whole**

A special meeting of Council or a Committee of the Whole of Council will be convened:

- (a) at the call of the Mayor; or
- (b) upon receipt by the Clerk of a petition of the majority of the members of Council.

**15.3.4 Petition received - special meeting summoned**

Upon the filing of the petition referenced in Section 15.3.3(b), the Clerk will summon a special meeting for the purpose(s) and at the time stated in the petition. If the petition makes no reference to the place where the meeting is to be held, the location shall be in the Council Chambers.



**15.3.5 Petition filed - removal of name - prohibited**

Once received by the Clerk, no member may remove his/her name from a petition filed under Section 15.3.4.

**15.3.6 Special meeting - notice**

Notice and purpose of all special meetings will be given to all members by delivery to the residence or place of business of the members, or by electronic means (e.g., e-mail) as practical within the circumstances, not less than twenty-four (24) hours in advance of the time fixed for the meeting, with the exception of Emergency Meetings where notice will be given to all members by electronic means only and the timeframe of twenty-four (24) hours in advance of the time fixed for the Meeting shall not apply.

**15.3.7 Special meeting - matters limited**

No matter will be considered or decided other than those set forth in the notice calling the special meeting. The foregoing is a rule of procedure and deviations therefrom may be authorized in accordance with Section 15.8.8.

**15.3.8 Special meeting - other committees**

The provisions of this Article shall apply with necessary modifications to the calling of special meetings for other committees that are subject to this Chapter, but the role of the Mayor in Section 15.3.3 shall be exercised by the Chair of the committee in such circumstances.

**15.3.9 Meeting location - Council and Committees**

All regular and special Meetings of Council, Committee of the Whole – Community Development, Committee of the Whole – Operations and Administration and the Estimates Committee shall be held in the Council Chambers at the City Hall in Brantford, Ontario, except in the following circumstances: By-law 64-2016, 26 April, 2016.

- (a) the Meeting is to be held in the absence of the public pursuant to subsection 239(2) of the *Municipal Act, 2001*, as amended;
- (b) the Council Chambers are unavailable;
- (c) the Meeting is for a special Committee of the Whole retreat for the purposes of strategic planning; or
- (d) the Meeting is of the Councils of two (2) or more municipalities for the consideration of matters of common interest, where said Meeting may be held in a location pursuant to subsection 236(2) of the *Municipal Act, 2001*, as amended.

All regular and special Meetings of the Finance Committee and Social Services Committee shall be held at the City Hall in Brantford, Ontario, unless another location is approved by City Council.

All Meetings shall be held in locations that are fully accessible to persons with disabilities.

Meetings of Boards and Advisory Committees and Task Forces are not required to be held at City Hall, but shall be held in locations that are fully accessible to persons with disabilities.

### **15.3.10 Cancellation of a scheduled Meeting**

Members, where possible, shall notify the Chair and the Clerk, or designate, at least two (2) business days in advance of the Meeting if they cannot attend. Reasons for the absence shall be noted in the minutes.

Only the Mayor or Chair, as the case may be, may initiate the cancellation of any scheduled Meeting of Council or any Committee of Council by advising the Clerk, or designate, who shall provide members with the reason(s) for the cancellation and poll their support for said cancellation. A majority of the members must consent to the cancellation of the Meeting. The Clerk shall share the results of the poll with all members, in writing.

### **15.3.11 Council - manner through which matters will be taken**

All matters proceeding to Council for consideration must first be considered by a Committee of the Whole or Standing Committee pursuant to this Chapter, except as outlined below.

The following matters may proceed directly to Council for consideration without the necessity of first having been considered by any Committee of the Whole or Standing Committee:

- (a) matters which, in the opinion of the Chief Administrative Officer and/or Mayor, are Urgent. For all items deemed Urgent pursuant to this clause, the reason(s) for the urgency shall be included within the written report to Council.;
- (b) routine minor real estate items and the stopping up of roads; and
- (c) such others matters as Council may specifically approve from time to time.

## **Article 4 OPEN MEETINGS**

### **15.4.1 Meetings - open to public**

Except as otherwise permitted or required by the *Municipal Act, 2001*, as amended, all Meetings shall be open to the public.

**15.4.2 Meetings - when closed**

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.

**15.4.3 Meetings - required to be closed**

A Meeting or part of a Meeting shall be closed to the public if the subject matter being considered is:

- (a) 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; or
- (b) 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) or the investigator referred to in subsection 239.2(1) of the *Municipal Act, 2001*, as amended.

**15.4.4 Educational or training sessions**

A Meeting of Council or a local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

- (a) the Meeting is held for the purpose of educating or training the members;
- (b) at the Meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council, the local board or committee.

**15.4.5 Meetings - resolution required**

Before holding a Meeting or part of a Meeting that is to be closed to the public, the municipality or local board or committee of either of them shall state by resolution:

- (a) the fact of the holding of the closed Meeting and the general nature of the matter to be considered at the closed Meeting; or
- (b) in the case of a Meeting under Section 15.4.4, the fact of the holding of the closed Meeting, the general nature of its subject-matter and that it is closed under that Section.

**15.4.6 Meetings - not closed during vote**

Subject to Section 15.4.7, a Meeting shall not be closed to the public during the taking of a vote.

**15.4.7 Meetings - not closed during vote - exception**

A Meeting may be closed to the public during the taking of a vote if:

- (a) Section 15.4.2 or 15.4.3 permits or requires the Meeting to be closed to the public; and
- (b) the vote is for a procedural matter or for giving direction or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

**15.4.8 Automatic amendment**

Sections 15.4.2 to 15.4.7, inclusive, are excerpted from section 239 of the *Municipal Act, 2001*, as amended, and are included here for ease of reference. Sections 15.4.2 to 15.4.7, inclusive, shall be deemed to have been automatically amended to match any amendment to the corresponding provisions of the *Municipal Act, 2001*, as amended without the necessity of the enactment of such amendments by Council.

**15.4.9 Record of Meeting - requirements**

A municipality or local board or a committee of either of them shall record without note or comment all resolutions, decisions and other proceedings at a Meeting of the body, whether it is closed to the public or not.

**15.4.10 Investigation**

A person may request that an investigation of whether a municipality or local board has complied with section 239 of the *Municipal Act, 2001*, as amended, or the provisions of this Chapter in respect of a Meeting or part of a Meeting that was closed to the public be undertaken by an investigator.

**15.4.11 Investigator**

The appointment, powers, duties, functions and reporting requirements of the investigator referred to in Section 15.4.10 shall be established by by-law.

**15.4.12 Investigator - report and recommendations**

If, after making an investigation, the investigator is of the opinion that the Meeting or part of the Meeting that was the subject-matter of the investigation appears to have been closed to the public contrary to section 239 of the *Municipal Act, 2001*, as amended, or this Chapter, the investigator shall report his/her opinion and the reasons for it to the municipality or local board, as the case may be, and may make such recommendations as he/she thinks fit.

**15.4.13 Publication of investigator’s reports**

The municipality or local board shall ensure that reports received under Section 15.4.12 by the municipality or local board, as the case may be, are made available to the public.

**Article 5  
ORDER OF BUSINESS****15.5.1 Council**

For regular Meetings of Council, Members of Council are encouraged to enter the Council Chambers together, approximately two (2) minutes before the start of the Meeting.

Insofar as the same is practicable, the order of business of Council Meetings shall be as follows:

- (a) Clerk to ask all to rise for the playing of the National Anthem
- (b) National Anthem
- (c) Invocation (to include a generic statement to replace congratulatory/condolatory resolutions)
- (d) Roll call
- (e) Declarations of Conflict of Interest
- (f) Statutory Public Meetings
- (g) Recognition of Achievements (at Meetings of Council only in accordance with Corporate-007 Policy – Recognition Awards by Mayor and Members of Council)
- (h) Proclamations (all Proclamations shall be moved and seconded in one (1) motion and are not debatable. No delegations will be permitted on Proclamations)
- (i) Delegations (strict one-hour limit)/Presentations (limit of two (2) Presentations at each Meeting)
- (j) Clerk’s Report on Communications
- (k) Minutes
- (l) Committee Reports
- (m) Resolutions
- (n) Notices of Motion (shall be in writing)
- (o) By-laws
- (p) Adjournment

### **15.5.1.1 Committees**

Insofar as the same is practicable, the order of business of Committee Meetings shall be as follows:

- (a) Invocation (to include a generic statement to replace congratulatory/condolatory resolutions)
- (b) Roll call
- (c) Declarations of Conflict of Interest
- (d) Statutory Public Hearings/Public Meetings
- (e) Delegations (strict one-hour limit for all Committees of the Whole and Standing Committees, with the exception of the Estimates Committee where there shall be a strict two-hour limit) /Presentations (limit of two (2) Presentations at each Meeting)
- (f) Budget Reports (for Finance Committee Meetings only)
- (g) Items for Consideration
- (h) Consent Items
- (i) Resolutions
- (j) Notices of Motion (shall be in writing)
- (k) Questions (for Social Services Committee, John Noble Home Committee of Management and Finance Committee Meetings only)
- (l) Adjournment

By-law 24-2017, 28 February 2017.

### **15.5.2 Chair - call to order**

As soon after the hour fixed for the Meeting as there shall be a quorum present, the Chair, shall take the chair and call the members to order. A majority of the members shall constitute a quorum.

**15.5.3 Chair - absent - selection**

In the absence of the Mayor for Meetings of Council and Committees of the Whole, the Acting Mayor for the month shall serve as Chair. In the absence of the Acting Mayor for the month, the member of Council designated as Acting Mayor for the next month and who is in attendance shall serve as Chair.

In the absence of the Chair for Meetings of Standing Committees, Boards and Advisory Committees and Task Forces, the Vice-Chair shall serve as Chair. In the absence of the Vice-Chair, the members may elect another member to serve as Chair.

**15.5.4 Chair - temporary**

If the Chair desires to leave the chair for the purpose of taking part in the debate or otherwise, he/she shall call on the Acting Mayor or Vice-Chair, as the case may be, or in his/her absence, another member of Council to take his/her place until he/she resumes the chair.

**15.5.5 Quorum - lack of – adjournment**

If there be no quorum present within fifteen (15) minutes after the time appointed for the Meeting, the Clerk shall call the roll and take down the names of the members then present and the Meeting shall stand adjourned until the next Meeting. At the call of the Chair, the fifteen (15) minutes may be extended for an additional fifteen (15) minutes.

**15.5.6 Consent items - summarized**

In preparing the agenda for Committee of the Whole and Standing Committee Meetings, the Clerk shall summarize routine matters as “consent items,” which routine matters shall, unless any member of Council otherwise requests, be considered in a summary manner in one (1) motion rather than as separate items. Full back-up material will continue to be attached for review by members of Council.

**15.5.7 Council Agenda - preparation - delivery to Council** Not less than forty-eight (48) hours in advance of the time fixed for each regular Council Meeting, the Clerk will cause an agenda, with supporting material, prepared in accordance with this Chapter, to be prepared and delivered to the residence or place of business of the members, or by electronic means (e-mail) as practical within the circumstances.

**15.5.8 Committee of the Whole, Standing Committee, Board or Advisory Committee and Task Force agendas - preparation - delivery to Council**

Not less than forty-eight (48) hours in advance of the time fixed for each regular Meeting of the Committee of the Whole, Standing Committee, Board or Advisory Committee and Task Force, the Clerk will cause an agenda, with supporting material, prepared in accordance with this Chapter, to be prepared and delivered to the residence or place of business of the members, or by electronic means (e-mail) as practical within the circumstances.

**Article 6**  
**FORMAL PUBLIC INPUT AND PARTICIPATION**

**15.6.1 Public input and participation - encouraged**

Public input and participation in the processes of Council Meetings and the Meetings of its committees through the means set forth in this Chapter are both welcome and encouraged.

**15.6.2 Public input and participation - formal means, including delegations**

Public input and participation in the processes of Council Meetings and Meetings of its committees shall occur through any one or more of the following means:

- (a) by written communication to Council, or any committee thereof, through delivery of such written communication to the Clerk, and such delivery may occur by personal service, by post, electronically or any other effective means;
- (b) by attendance before the Committee of the Whole - Community Development in accordance with the provisions of the *Planning Act*, as amended; the *Development Charges Act, 1997*, as amended; subsection 173(3) of the *Municipal Act, 2001*, as amended; and, Article 12 of this Chapter; By-law 64-2016, 26 April, 2016.
- (c) by attendance before any Board or Advisory Committee, in accordance with the procedural requirements established by any such Board or Advisory Committee;
- (d) by appearance before Council, Committee of the Whole - Community Development, Committee of the Whole - Operations and Administration, Appointments Committee, Finance Committee or the Social Services Committee as a delegation, where a strict one-hour time limit is provided for delegations, provided that no such delegation shall be permitted unless:
  - (i) the subject matter of the delegation directly relates to a matter that already appears on the agenda of the Council or committee Meeting at which appearance is sought, there is a possibility that there will be a decision on that matter at the Meeting, and the person or persons seeking to appear have:
    - 1. Provided to the Clerk, no later than 9:00 a.m. on the day of the Meeting, a written request to



appear as a delegation, noting the action they wish the City to take with respect to the agenda item.

- (e) by appearance before the Estimates Committee as a delegation, where a strict two-hour time limit (at the call of the Chair) is provided for delegations, provided that no such delegation shall be permitted unless the agenda provides for delegations to be heard respecting the budget process, and the person or persons seeking to appear have:
  - 1. Provided to the Clerk, no later than 9:00 a.m. on the day of the Meeting, a written request to appear as a delegation, noting the action they wish the City to take with respect to the budget item(s).
- (f) delegations may only appear before the City at a Council, Committee of the Whole - Community Development, Committee of the Whole - Operations and Administration, Appointments Committee, Estimates Committee, Social Services Committee or Finance Committee Meeting once on the same agenda item. Only one (1) delegation from the same group/organization/business may appear on the same agenda item, regardless of the members comprising said delegation. Agenda items deferred, referred, amended or tabled are deemed to be the same agenda item for the purpose of this Section. By-law 64-2016, 26 April, 2016.
- (g) no individual or group/organization/business shall be listed as separate delegations at the same Meeting. Such delegation may address a number of items appearing on the agenda, but will be considered to be one (1) delegation and will be allotted one (1) block of speaking time only.
- (h) no delegations shall be permitted respecting items listed on the Clerk's Report on Communications or Proclamations at Meetings of Council.
- (i) no delegations shall be permitted to address the following matters:
  - 1. Labour relations or employee negotiations;
  - 2. Litigation that is either expected to proceed, that is currently proceeding, or that has already been decided by a trier of fact;
  - 3. Tenders, RFPs or other procurement matters;
  - 4. Any other matter that is properly the subject of the open Meeting exceptions in the *Municipal Act, 2001*, as amended.

- (j) Delegations may make PowerPoint presentations at Meetings, provided that an electronic copy of the presentation is provided to the Clerk, no later than 9:00 a.m. on the day of the Meeting.
- (k) Delegations shall not speak for more than ten (10) minutes without the approval of Council or Committee, as the case may be. Members have the opportunity to ask questions only of the delegation, and such questions shall be included in the prescribed time allotment for delegations.
- (l) Council or Committee, as the case may be, may in their discretion, refuse to hear any delegation.

### **15.6.3 Presentations**

- (a) Presentations initiated by Council or Municipal Staff where the subject matter of the Presentation directly relates to a matter that already appears on the agenda shall be listed on the agenda as a Presentation. Each Presentation shall not speak for more than fifteen (15) minutes, with an additional fifteen (15) minutes being provided for questions from members.
- (b) No more than two (2) Presentations shall be permitted at each Meeting.
- (c) The Clerk, or designate, shall list items with Presentations at the beginning of the Items for Consideration Section on the agenda, so as to ensure the flow of the Meeting as follows:

Presentation #1

Discussion on related Item

Presentation #2

Discussion on related Item

- (d) The Mayor or Chair, as the case may be, shall have the authority to add Presentations to Council or committee agendas where the subject matter of the Presentation does not directly relate to a matter that already appears on the agenda, but where the subject matter falls within the purview of Council or the committee, as the case may be.

### **15.6.4 Other means - not restricted**

Except as expressly regulated in this Chapter, there is no other limitation on the means, including informal means, through which members of the public may interact with their elected representatives or Municipal Staff.

### **15.6.5 Speaking rights - non-voting members - City - County Councils at Meetings**

- (a) Members of Brantford Council who are not voting members of a City of Brantford Standing Committee, a Board or Advisory Committee as identified in Chapter 26 of The City of Brantford Municipal Code or a Task Force created by City Council, shall be permitted to speak to issues on the agendas of these respective Committees, Boards, Advisory Committees or Task Forces without first having to register as a delegation and shall be recognized by the Chair after all voting members have had an opportunity to speak for a first time; and
- (b) Members of Brant County Council who are not voting members of a City of Brantford Standing Committee, a Board or Advisory Committee as identified in Chapter 26 of The City of Brantford Municipal Code or a Task Force created by City Council, whose composition includes one (1) or more Members of Brant County Council, shall be permitted to speak to issues on the agendas of these respective Standing Committees, Boards, Advisory Committees or Task Forces without first having to register as a delegation and shall be recognized by the Chair after all voting members have had an opportunity to speak for a first time.

## **Article 7 CONDUCT OF MEETING**

### **15.7.1 Application**

This Article applies to Meetings of Council and also applies with necessary modifications to any Meetings of any Committee of Council to which this Chapter applies.

### **15.7.2 Chair – duties**

The duties of the Chair at a Meeting shall include, but are not limited to, the following:

- a) calling the Meeting to order;
- b) announcing the business before Council or committee, as the case may be;
- c) receiving and submitting to a vote, in the proper manner, all motions that do not contravene the rules of procedure and announcing the results;
- d) maintaining a speaker's list and recognizing speakers in the order in which they have requested to speak;
- e) directing all parties to speak through the Chair;
- f) advising on matters of procedure by way of ensuring an orderly and effective Meeting;
- g) ruling on any appeals by any member;
- h) maintaining order and preserving decorum at the Meeting; and

- i) adjourning or recessing the Meeting if he/she considers it necessary because of grave disorder or emergency.

### **15.7.3 Chair - order - decorum - to preserve**

The Chair shall preserve order and decorum (which shall include restraining breaches of the Code of Conduct for Members of Council set forth in Article 14 but not in the capacity of Integrity Commissioner) and shall decide all questions of order, subject to an appeal to the Council or committee as the case may be, by any member.

### **15.7.4 Decorum - rules**

The following are the rules of decorum at Meetings:

- (a) members shall not leave his or her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
- (b) When a member is speaking, no other member shall pass between him/her and the Chair or interrupt him/her except to raise a Point of Order or a Point of Privilege;
- (c) Members shall address the Mayor using the title of “Mayor” or “His/Her Worship” and Councillors using the title of “Councillor” or “Chair” where applicable;
- (d) Members shall speak only to the subject matter under debate;
- (e) Members shall turn off all handheld electronic devices or set them to a non-audible signal and shall not engage in private conversation during a Meeting or use electronic equipment in a manner that interrupts the proceedings of the Meeting;
- (f) Members shall not disobey the rules of procedure or a decision of the Chair on questions of order;
- (g) Members shall not consume food during Council, Committees of the Whole or Standing Committee Meetings;
- (h) No person, except a Member or an authorized Municipal Staff person shall be allowed on the meeting floor (within the Council horseshoe) during the Meeting without the permission of the Mayor or Chair, as the case may be;
- (i) No person except a Member or an authorized Municipal Staff person shall, before or during a Meeting, place on the desks of members or otherwise distribute any material whatsoever. All such material shall be given to the Chair or Clerk, or designate, for distribution if appropriate.

### **15.7.5 Indication of wish to speak - to Chair - by members**

Every member, prior to speaking to any question or motion, shall indicate his/her wish to speak and receive recognition from the Chair.

**15.7.6 Speaking - order**

When two (2) or more members indicate a wish to speak, the Chair shall name the member who, in his/her opinion, first gave such indication.

**15.7.7 Point of Order - Chair - to decide**

A member may raise a Point of Order if he/she believes that a breach of the rules of procedure or practice has occurred. All Points of Order shall be directed to the Chair and stated by the member without unnecessary comment. The Chair shall recognize the Point of Order and cite the rule or authority applicable to the case.

**15.7.8 Point of Order - appeal - decision**

In the event that a member disagrees with the decision of the Chair on a Point of Order, the member shall have the ability to appeal that decision, and such appeal shall be decided by majority vote of the members. The appeal shall be made immediately following the decision before any further debate or business has occurred. A majority or tie vote sustains the decision of the Chair on the principle that the Chair's decision stands until reversed by a majority.

**15.7.9 Power to expel - improper conduct**

The Chair may expel any person (other than a member) for improper conduct at a Meeting.

**15.7.10 Speaker - remarks - confined**

The speaker must confine his/her remarks to the question in debate and shall not resist the rules of the Council or disobey the decision of the Chair, or of the Council, on questions of order and practice or upon interpretation of the rules of the Council, and, in the event any member shall resist or disobey, he/she may be ordered by the Chair to leave his/her seat for that Meeting, but, in the event of an apology being made by the offender, he/she may, by vote of the Council, be permitted forthwith to retake his/her seat.

**15.7.11 Decorum - rules - to be obeyed**

Persons addressing Council or its Committees or observing a Meeting of Council or its Committees shall conduct themselves with decorum and shall obey the rules of the Chair in the conduct of the Meeting. Without limiting the generality of the foregoing, the required level of decorum shall include the following rules:

- (a) all persons present in the meeting room shall use polite and respectful language, and shall refrain from the use of any language or the making of any gesture that is disrespectful or offensive;
- (b) all persons invited to address the Council or Committee shall speak only on the subject in debate and shall not speak on any other subject;

- (c) no person shall display any sign, banner or placard in the meeting room, other than:
  - (i) materials that, in the opinion of the Chair, are legitimate audio-visual aids necessary in connection with any presentation to be made to Council or its Committees; or
  - (ii) decorative, commemorative, or other materials erected by or on behalf of Council by authorized agents or employees of the City;
- (d) no person shall applaud participants in debate or engage in conversation or behavior that may disrupt the proceedings of the Meeting;
- (e) no person shall bring into the meeting room any food or drinks, other than drinks for members or for those speaking at the Meeting;
- (f) no person shall bring into the meeting room any cellular telephone, pager or other electronic devices that emit a sound unless such devices are turned off or silenced; and
- (g) no person shall bring into the meeting room any camera or other recording device unless the Meeting is open to the public and the set up and operation of said device in no way interferes with or disrupts the proceedings of the Meeting.

Any person who is not a member of Council who contravenes any provision of this section may be expelled from the Meeting by the Chair.

#### **15.7.12 Quorum - calculation**

Quorum for the transaction of business at any Meeting of Council or any Committee of Council to which this Chapter applies shall be the majority of members thereof.

#### **15.7.13 Quorum - Finance Committee - calculation**

Notwithstanding Section 15.7.12, quorum for the transaction of business at the Finance Committee shall be three (3) members of the Finance Committee.

**15.7.14 Point of Privilege - members**

- (a) A member may raise a Point of Privilege to direct Council or the Committee's attention to a matter that:
  - (i) affects the members collectively;
  - (ii) reflects on the individual member;
  - (iii) affects the member's rights to sit on Council;
  - (iv) affects freedom of speech at the Meeting; or
  - (v) suggests contempt of Council as a whole.
- (b) A member may raise a Point of Privilege for the purpose of correcting any statement made about them or attributed to them if they consider it necessary to make such correction.
- (c) No member may rise on a Point of Privilege to:
  - (i) correct reports to their speeches; or
  - (ii) comment on allegedly inaccurate statements in the news media.

It is noted that a misinterpretation that affects one (1) Councillor is not the same as one affecting all of Council.

**15.7.15 Point of Privilege - immediate consideration - required**

Whenever any matter of privilege arises, it shall be immediately acknowledged by the Chair and stated by the member.

**15.7.16 Point of Privilege – Municipal Staff**

In addition to the circumstances under which a member may raise a Point of Privilege, Municipal Staff members shall be given recognition by the Chair on a Point of Privilege for the purpose of correcting any statement made about them or attributed to them if they consider it necessary to make such correction.

**Article 8  
RULES OF DEBATE****15.8.1 Application**

This Article applies to all Meetings.

**15.8.2 Question - read - interruption - prohibited**

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 while speaking.

**15.8.3 Speaking – limited – Point of Clarification**

- (a) At Council Meetings, where the Meetings are open to the public, no member shall speak more than once on the same question without leave of the Council.
- (b) At Council Meetings, where the Meetings are closed to the public, no member shall speak more than twice on the same question without leave of the Council.
- (c) At Committee of the Whole and Standing Committee Meetings, excluding the Estimates Committee, no member shall speak more than twice on the same question without leave of the Committee.
- (d) At Estimates Committee Meetings, there is no limit on the number of times that a member can speak on the same question.
- (e) Notwithstanding the above, members may raise a Point of Clarification prior to any debate on the pending question and such Point of Clarification shall not be counted as part of the member’s speaking time. Examples of Points of Clarification include, but are not limited to, asking questions of Municipal Staff, asking for clarification on what matter is on the floor, asking a question on where the item appears in a report, asking for clarification of a term used, etc. The following process shall be followed to allow for Points of Clarification by members:
  - (i) Member separates the matter for discussion.
  - (ii) Prior to any debate on the matter separated for discussion, the Chair shall ask the members if there are any Points of Clarification.
  - (iii) Members raise a Point of Clarification to the Chair.
  - (iv) Chair asks Municipal Staff to respond.
  - (v) At the conclusion of any Points of Clarification, the matter separated for discussion is open for debate.

**15.8.4 Speaking - wrap – speaking list – when permitted**

A member who moved the original motion may “wrap” by speaking last in respect of the motion.

**15.8.5 Speaking - time limited**

No Member, without leave of Council or the Committee, as the case may be, shall speak to the same motion for longer than five (5) minutes. The Chair shall be entitled to speak in respect of any matter. The five-minute speaking time applies to all separately debatable motions made in respect of any matter.



Notwithstanding the above, at Meetings of the Estimates Committee, no member, without leave of the committee, shall speak to the same motion for longer than three (3) minutes. The three-minute speaking time applies to all separately debatable motions made in respect of any matter.

#### **15.8.6 Motion - moved - seconded**

All motions shall be seconded before debate or vote.

#### **15.8.7 Motion - read - possession of Council withdrawn - friendly amendment**

After a motion is moved and seconded, it shall be deemed to be in possession of the Council or committee, as the case may be, but shall, with the permission of the mover and seconder, be withdrawn at any time before decision or amendment.

Before a decision is made on a motion, it may be restated in such manner as may be suggested by any other member.

The changes to the restated motion must be:

- (a) Germane to the intention of the original motion;
- (b) minor in nature; and
- (c) accepted by both the mover and the seconder in order to be accepted as a “friendly amendment”. The revised wording shall then become the main motion.

#### **15.8.8 Waiving the rules of order - voting**

Unless this Chapter provides otherwise, the method of procedure shall be determined by majority vote of Council or committee, as the case may be, and if there is a tie during such a vote, the Chair of the Meeting may break the tie and rule on the question of procedure. Where a method of procedure is prescribed by this Chapter and where Council or committee may authorize such deviation therefrom if two-thirds of the members then present vote in favour of such deviation.

#### **15.8.9 Motion - rules of debate**

No motion shall be received when a question is under debate unless to refer it, to amend it, to defer it or to move that the vote be now taken.

#### **15.8.10 Motion - refer**

A motion to refer is in order at any time, but shall be moved as a stand-alone motion and not as part of another speaking opportunity.

When a motion to refer is duly moved and seconded, the Chair may ask the mover and seconder to hold the motion to refer until such time as all members have had an opportunity to speak in respect of the question.

If the mover and seconder agree to hold the motion to refer, the Chair will entertain the motion after all members have had an opportunity to speak in respect of the question, provided that it shall not be necessary for all members to have actually availed themselves of such opportunity. Where any member has spoken more than once in respect of the question, every member shall be deemed to have had an opportunity to speak in respect of the question.

If the mover and seconder do not agree to hold the motion to refer, the motion shall be put immediately and is debatable to its merits only and cannot go into the main question except as necessary for debate of the immediately pending question. A motion to refer the question shall include:

- (a) the name of the body or official to whom the question is to be referred; and
- (b) any instructions respecting the terms upon which the question is to be referred.

#### **15.8.11 Motion - defer**

A motion to defer is in order at any time, but shall be moved as a stand-alone motion and not part of another speaking opportunity.

When a motion to defer is duly moved and seconded, the Chair may ask the mover and seconder to hold the motion to defer until such time as all members have had an opportunity to speak in respect of the question.

If the mover and seconder agree to hold the motion to defer, the Chair will entertain the motion after all members have had an opportunity to speak in respect of the question, provided that it shall not be necessary for all members to have actually availed themselves of such opportunity. Where any member has spoken more than once in respect of the question, every member shall be deemed to have had an opportunity to speak in respect of the question.

If the mover and seconder do not agree to hold the motion to defer, the motion shall be put immediately and is debatable as to time and place only.

Motions deferred will come back to the appropriate Committee of the Whole or Standing Committee Meeting, unless Council specifically directs otherwise.

#### **15.8.12 Motion - to call the question**

If a member moves that the vote be now taken (which motion may be referred to as a motion to “call the question”) and the motion is seconded by another member, the motion to call the question shall be considered without debate. If the Motion to Call the Question is carried, the motion and amendments under discussion shall be immediately submitted to the Council without further discussion.

A Motion to Call the Question may not be made at a Meeting of a Committee of Council unless all members have had an opportunity to speak in respect of the question, provided that it shall not be necessary for all members to have actually availed themselves of such opportunity. Where any member has spoken more than once in respect of the question, every member shall be deemed to have had an opportunity to speak in respect of the question.

Before proceeding to second time speakers, where permitted, the Chair shall ask if there are any other first time speakers.

**15.8.13 Amendments - voting**

Amendments shall be put in the reverse order to that in which they are moved. Only one (1) amendment shall be allowed to an amendment, and, if further amendments to amendments are desired, these amendments must be treated as further amendments to the main question.

**15.8.14 Amendments to Municipal Staff recommendations**

Before any vote is taken in respect of amendments to by-laws, resolutions or other matters that came before Council or Committee through a staff report in which such by-law, resolution or other matter was recommended by Municipal Staff, the Chair may request input and advice in respect of the proposed amendment from Municipal Staff present at the Meeting.

**15.8.15 Motion to reconsider**

After any motion, except one of indefinite postponement has been decided, a member who voted in the majority on a motion may move or give notice for a reconsideration of the matter. The seconder of the motion to reconsider must also be someone who voted in the majority on the motion to be reconsidered. Where previous notice has not been provided, a motion to reconsider will be carried by a two-thirds majority of the members present and voting.

Where notice has previously been provided at a Meeting of Council or by way of notice in the Agenda Package of a Regular or Special Meeting of Council, a motion to reconsider will be carried by a majority of the members present and voting.

Where a previous motion has passed and a Recorded Vote has not been requested by a member, all members shall be deemed to be voting in favour of the motion unless they have advised the Chair that they wish to be recorded as opposed. A member who is absent at the time a vote is taken on a motion, which subsequently becomes the subject of a motion for reconsideration, shall be deemed for the purpose of reconsideration to have voted with the majority.

In the event that a motion is lost through a tie vote, those members who voted against the motion shall be deemed to be the majority for purposes of this Section.

**15.8.16 Motion to reconsider - discussion**

No discussion of the main motion that is proposed for reconsideration shall be allowed until the motion to reconsider is carried.

If a motion to reconsider is decided in the affirmative, such reconsideration of the original motion shall become the next order of business, unless the motion calls for a future definite date, and debate on the motion to be reconsidered may proceed as though it had never previously been voted on.

**15.8.17 Motion to reconsider - frequency**

No motion shall be reconsidered more than twice during a period of twelve (12) months following the date on which the motion was originally decided.

**15.8.18 Question - put - speaking - prohibited**

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

**15.8.19 Improper motion - Chair to rule**

Whenever the Chair is of the opinion that a motion is contrary to the rules and privileges of the Council, he/she shall apprise the members thereof immediately before putting the question and shall cite the rule of authority applicable to the case without argument or comment.

**Article 9  
VOTING****15.9.1 Application**

This Article applies to all Meetings of Council and also applies with necessary modifications to any Meetings of any Committee of Council to which this Chapter applies.

**15.9.2 Voting - Chair - exception**

The Chair shall vote with the other members on all questions except as provided in Sections 15.9.3 to 15.9.5, inclusive. Any question on which there is an equality of votes shall be deemed to be negative.

**15.9.3 Voting - all members - exception**

Every member present shall be required to vote on every question put before Council or Committee, as the case may be, unless such member is not legally entitled to vote on the question and/or unless such member is excused by Council from voting on the said question.

**15.9.4 Voting - refusal**

Any member who refuses to vote on any question shall be deemed to be voting in the negative on the question

**15.9.5 Recorded Vote - names - entered in minutes**

In cases when a Recorded Vote is required on any question, either by law or upon the request by a member, the names of those who vote for and against the question shall be entered in the minutes. The Clerk, or designate, shall also enter in the minutes the names of those members not in the meeting room at the time of the vote.

**15.9.6 Recorded Vote - how taken**

In taking Recorded Votes, the Clerk, or designate, shall ask all members in favour of the motion to raise their hands collectively and to keep their hands raised until their name is called by the Clerk, or designate. The Clerk, or designate, shall repeat the same process for those members opposed to the motion. The Clerk, or designate, shall then announce the results of the vote. Each member voting for the question shall say “Yes” and each member voting against the question shall say “No.”

Where electronic voting equipment is available and used, members will vote by pressing the appropriate button at their desks, the results of which will be displayed publicly at the end of the vote and the results announced by the Clerk, or designate.

**15.9.7 Vote – distinct clauses**

When the question under consideration contains distinct clauses, upon the request of any member, the vote upon each clause shall be taken separately.

**15.9.8 Division - members - to remain seated**

Members shall immediately take their places when any vote is called for and shall remain in their respective seats until the Clerk has declared the result of the vote.

**15.9.9 Voting - Corporate Contingency Reserve Fund**

Any approval to use the Corporate Contingency Reserve Fund shall require a two-thirds majority vote of the members present and voting at Committee and Council.

## **Article 10 ADJOURNMENT**

**15.10.1 Application**

This Article applies to all Meetings of Council and also applies with necessary modifications to all committees created or continued under this Chapter, to all Boards and Advisory Committees created under Chapter 26 of the City of Brantford Municipal Code and to all Task Forces created by Council.

**15.10.2 Members - to remain seated - until chair vacated**

At Regular Meetings of Council only, members of the Council shall rise and remain standing until the Chair has vacated the Council Chambers following adjournment.

**15.10.3 Extended hours - motion required**

Meetings of Council and its Committees shall not remain in session after 10:00 p.m. unless a motion to extend the hour is presented and approved by Council or the Committee. A motion to extend the hour will be considered in one-hour increments and is non-debatable.

**15.10.4 Motion - adjourned - exception**

A motion to adjourn is non-debatable and is in order, except:

- (a) when a member is in possession of the floor; or
- (b) when the “Yes” and “No” votes have been called for; or
- (c) when the members are voting; or
- (d) when it has been decided that the previous question shall be put forthwith; and
- (e) when a motion to reconsider is decided in the affirmative and is the next order of business as provided for in Section 15.8.16.

**Article 11****BY-LAWS AND RESOLUTIONS - PROCEDURE****15.11.1 Confirming By-law**

A By-law to confirm the proceedings and decisions of the Council of The Corporation of the City of Brantford shall be presented at the end of each open session Meeting of City Council.

**15.11.2 Readings - three - exceptions**

Every by-law shall receive three readings before it is finally passed. Each such reading may occur on a single day unless one-third or more of the members of Council present should require that the readings should occur over two (2) days. In the event that one-third or more of the members of Council present so require, such by-laws as the members may have specified shall not be read three (3) times on such date. No by-law shall be amended until it shall have been read twice.

**15.11.3 Consideration - signed - sealed**

- (a) No by-law shall be presented to Council for adoption unless the subject matter thereof has first been considered by Council or a Committee thereof.
- (b) Every by-law of the municipality shall be signed by the Clerk and by the head of Council or presiding officer at the Meeting at which the by-law was passed.
- (c) The head of Council shall sign every agreement where Council has authorized and directed its execution as soon as necessary to give effect to the document, but not later than seven (7) days upon receiving said agreement from the Clerk.
- (d) Every by-law and agreement referenced under this Section shall be under the seal of the corporation and filed by the Clerk.

- (e) The Clerk shall notify all members of Council forthwith of any breach of the above.

**15.11.4 Ward announcements – during signing of by-laws**

During the length of time that it takes for the by-laws to be signed at the end of a Council Meeting, members may take the opportunity to make ward announcements.

**15.11.5 Resolutions without prior notice of motion**

No Resolution shall be presented at any Meeting without prior notice of motion given not less than twenty-four (24) hours in advance of the Resolution being considered unless not fewer than two-thirds of the members present authorize the presentation of the Resolution. In the event the presentation of the Resolution is so authorized, the Chair of the Meeting shall request input and advice in respect of the proposed Resolution from Municipal Staff present at the Meeting before any vote is taken in respect of the Resolution.

All notices of motion shall be in writing.

Members are encouraged to consult with Municipal Staff in the preparation of notices of motion.

**15.11.6 Resolutions – timing following notices of motion**

All Resolutions resulting from prior notice of motion shall be presented for consideration no later than the end of the next Committee meeting cycle following the Meeting at which the notice of the motion was provided. The notice of motion will be deemed to have expired if the resolution is not presented within the specified time.

**Article 12  
PUBLIC HEARINGS**

**15.12.1 Public Hearings - requirements**

This Article shall apply when public Hearings are held by Council or its Committees.

**15.12.2 Agenda - consideration - prior to public Hearing**

Prior to the commencement of any public Hearing, there shall be consideration of any requests from applicants or their agents for deletions from the agenda of the Meeting, including, where applicable, the rescheduling of such deleted matters to a future Meeting.

**15.12.3 Introduction - application - suggested wording**

The Chair shall introduce each individual application. At the start of the Public Hearing portion of the Meeting, the Chair shall read an opening statement, the suggested wording for which is as follows:

“This Hearing is held under the provisions of the *Planning Act* and will continue until a report and recommendation is made by the Committee to Council. In the event that the Hearing is not completed on this date, it will be adjourned to a later date at which time the Committee may hear further submissions. Anyone wishing notice of any further proceedings should leave their name and address with the Clerk.”

**15.12.4 Delegations - called for - order of presentation**

The Chair shall call for delegations in the following order: proponent (to present their application and to describe their proposal in detail); Municipal Staff (how staff addressed the issues that came about through the circulation of the application rather than on the specific details of the application); public; and proponent clarification. Council may waive the requirement for a presentation from Municipal Staff where appropriate. Council or its Committees may ask questions of the delegations following each presentation and may seek further clarification from Municipal Staff following the presentations of all delegations.

Information on rules for Delegations at Public Hearings shall be posted on the notice board outside of the Council Chambers by the Clerk.

**15.12.5 Discussion - application - recommendation**

After all delegations for a specific Hearing have been heard, there shall be discussion on the specific application and a recommendation or decision made (*e.g.*, approve, conditional approval, rejection or deferral) before proceeding to the next specific Hearing. After all delegations and applications have been heard, the public Hearing portion of the Meeting will be considered complete.

**15.12.6 Deferment - further consideration**

If, during discussion of an item, it is suggested that a special Meeting be held or further information be submitted by Municipal Staff, the proponent or the public, the matter may be deferred to a specific time for further consideration before making a decision. Where a Hearing is at the Committee of the Whole, a deferral in order to acquire new information or to provide a clarification of information may occur directly to Council.



**15.12.7 Report - to Council - deferment - notification**

Where the Hearing is at a Meeting of the Committee of the Whole, the Chair will conclude the Meeting by noting that a Committee Report will be subsequently submitted to Council. In the event that any matter is deferred, notice of the date on which the public Hearing is to resume or requested information is scheduled to be provided to Council or Committee shall be given in accordance with Section 15.12.3 or the requirements of any law that may apply thereto.

**15.12.8 Additional information - referral - back**

If, when a Committee Report is dealt with by Council, new information is presented, Council may, but is not required to, refer the matter back to Committee prior to making a decision.

**15.12.9 Delegations - commencement - time for**

Where the Hearing is at a Meeting of the Committee of the Whole, delegations will be heard commencing at 6:00 p.m., but may from time to time be changed, but in no case shall it commence earlier than the appointed time or earlier than 6:00 p.m.. The matter that is the subject of the presentation will be dealt with during the regular course of the agenda unless the order of the agenda is altered by a majority vote.

**Article 13****REAL ESTATE REGISTER AND SALES OF REAL ESTATE****15.13.1 Real estate sales - procedures**

The procedures for the sale or lease of various classes of surplus real estate owned by the City of Brantford as set out in Schedule “A” are hereby adopted by the Council of The Corporation of the City of Brantford.

**15.13.2 Real Estate Committee - to administer**

The Real Estate Committee is hereby directed to ensure that the said procedures as set out in Schedule “A” are carried out and fully complied with, and the said Committee is hereby authorized to take any and all actions necessary in that regard.

## **Article 14**

### **CODE OF CONDUCT FOR MEMBERS OF COUNCIL**

#### **15.14.1 Respect for Human Rights**

In all of their interactions with one another, Municipal Staff, and with members of the public in connection with their duties as members of Council, all members of Council shall refrain from Harassing or Discriminating against any person or otherwise contravening the requirements of the *Ontario Human Rights Code*. Without limiting the generality of the foregoing, members of Council shall not:

- (a) make racial, homophobic, sexist or ethnic slurs;
- (b) display pornographic, homophobic, sexist or racist material;  
or
- (c) make Leering or offensive gestures that would constitute an infringement of the *Ontario Human Rights Code*.

#### **15.14.2 Interpersonal behaviour**

In all of their interactions with one another, with Municipal Staff, and with members of the public in connection with their duties as members of Council, all members of Council shall interact with and treat every person with dignity, respect and equality. Without limiting the generality of the foregoing, members of Council shall not:

- (a) engage in a course of conduct consisting of patronizing or condescending comments or behaviour toward other councillors, Municipal Staff or members of the public;
- (b) make written or verbal abuse or threats;
- (c) make or publish statements about other councillors, Municipal Staff or members of the public which would, whether or not they might have a defence of absolute or qualified privilege, constitute libel or slander; or
- (d) engage in workplace harassment within the meaning of the *Occupational Health and Safety Act*, defined as a course of vexatious comment or conduct against a worker in a work- place that is known or ought reasonably to be known to be unwelcome.

#### **15.14.3 Confidentiality**

Members of Council will respect and refrain from disclosing or distributing confidential information that comes into their possession whether such confidential information is received at *in camera* Meetings, through confidential reports, or through other means. Without limiting the generality of the foregoing, members of Council shall not:

- (a) disclose or distribute confidential information where such disclosure or distribution would contravene the *Municipal Freedom of Information and Protection of Privacy Act*;

- (b) disclose or distribute legal opinions or other confidential solicitor-client communications over which the municipality has or may claim solicitor-client privilege; or
- (c) disclose or distribute confidential reports or other confidential information belonging to the municipality.

#### **15.14.4 Interpretation**

For the purposes of this Article, any activity by a member of Council shall be deemed to be in connection with his/her duties as a member of Council if the same arose out of and in the course of performing any municipal business, or is performed within any municipal workplace. Purely private interactions between members of Council or between members of Council and other persons that are wholly unconnected with municipal business are not governed by the requirements of this Article.

#### **15.14.5.1 Complaint process - Municipal Staff**

Municipal Staff members may complain about alleged breaches of Sections 15.14.1 and 15.14.2 by members of Council if they have been adversely affected by those breaches. Municipal Staff members may complain about alleged breaches of Section 15.14.3 if there was a disclosure of personal information about the Municipal Staff member making the complaint, and such disclosure was a contravention of the *Municipal Freedom of Information and Protection of Privacy Act*. Complaints may be advanced in any of the following methods:

- (a) Municipal Staff may informally raise the matter with the applicable member of Council with a view to resolving the problem directly with such member of Council on an informal basis;
- (b) Municipal Staff may make a complaint to the Integrity Commissioner in accordance with Section 15.14.7;
- (c) Municipal Staff may pursue at their own cost such other legal remedies as may be available in accordance with any applicable judicial or quasi-judicial process; or
- (d) Municipal Staff may, in circumstances where the alleged breach of this Article occurs at a Council or a Committee of Council Meeting, request the assistance of the Chair to restrain the breach of this Article in accordance with Section 15.7.2.

**15.14.5.2 Complaint process - individual members of Council**

Individual members of Council may complain about alleged breaches of Sections 15.14.1 or 15.14.2 by other members of Council if they have been adversely affected by those alleged breaches. Complaints may be advanced in any of the following methods:

- (a) individual members of Council may informally raise the matter with the applicable member of Council with a view to resolving the problem directly with such member of Council on an informal basis;
- (b) individual members of Council may make a complaint to the Integrity Commissioner in accordance with Section 15.14.7, but only if the complaint concerns an alleged breach of Section 15.14.1;
- (c) individual members of Council may pursue at their own cost such other legal remedies as may be available in accordance with any applicable judicial or quasi-judicial process; or
- (d) individual members of Council may, in circumstances where the alleged breach occurs at a Council or a Committee of Council Meeting, request the assistance of the Chair to restrain the breach of this Article in accordance with Section 15.7.2.

**15.14.5.3 Complaint process - by Council**

By resolution passed by not fewer than two-thirds of the members of Council present and voting, Council may make a complaint to the Integrity Commissioner in accordance with Section 15.14.7, but only if the complaint relates to an alleged breach of Section 15.14.3 by one (1) or more members of Council.

**15.14.5.4 Complaint processes - exhaustive**

The complaint processes described in this Article are intended to be and are an exhaustive description of the means available to assert complaints in respect of alleged breaches of the requirements of Sections 15.14.1, 15.14.2 and 15.14.3 by members of Council.

**15.14.6 Informal complaint - optional**

Members of Municipal Staff or members of Council who allege that they have been adversely affected by a breach of this Article by a member of Council are encouraged to at least initially raise the matter informally with the applicable member of Council in an attempt to resolve the problem, if they are comfortable doing so, but it is not a precondition or a prerequisite that such informal measures be pursued before pursuing the formal complaint process outlined in Section 15.14.7 where it is available.

**15.14.7 Formal complaint - commencement of process**

In those circumstances where a formal complaint may be made to the Integrity Commissioner, the complaint shall be initially made in writing to the Clerk. Upon receipt of a formal complaint, the Clerk shall provide a copy of it to both the member of Council against whom the complaint was made and the Integrity Commissioner.

**15.14.8 Formal complaint - investigation**

- (a) Formal complaints shall be submitted to the Integrity Commissioner who shall be entitled to engage a qualified outside consultant to either assist or perform the investigation. The Integrity Commissioner shall fully review the matter in question, and shall have access to all Municipal Staff, members of Council, municipal records, and municipal workplaces as needed from time to time to complete his/her investigation, in addition to the other powers and authority of the Integrity Commissioner specified in the *Municipal Act, 2001*, as amended. The results of the investigation shall be compiled in the form of a written report. The investigation report shall specify the penalties available under the *Municipal Act, 2001*, as amended, and may make recommendations in relation thereto.
- (b) In making his/her report, the Integrity Commissioner shall specifically determine whether any alleged breaches of Sections 15.14.2 and 15.14.3 may have been justified in the circumstances. Where and to the extent that such justification is found to exist, the Integrity Commissioner may determine that the conduct of the member of Council did not contravene the requirements of this Article. Breaches of Section 15.14.1 are not subject to justification, and are contraventions of this Article under all circumstances.

**15.14.9 Report arising from formal complaint - presentation**

Upon completion of the investigation report, the Integrity Commissioner shall forthwith make arrangements for the report to be distributed to each member of Council and to the Clerk. Upon receipt of the report, the Clerk shall place the report on the agenda for the next Council Meeting for consideration by Council.

**15.14.10 Report - arising from formal complaint - cost**

All expenses of the investigation of the formal complaint shall be paid from the appropriate account within the series of accounts reserved for expenses of Council.

**15.14.11 No reprisal**

There shall be no reprisals taken against any person who initiates a complaint or otherwise participates in or conducts a formal investigation pursuant to this Article. Acts of reprisal shall be construed as breaches of the requirements of this Article with all of the same remedies as if such act of reprisal was a breach of Section 15.14.2.

**Article 15  
NOTICE****15.15.1 Purpose**

This Article is enacted for the purpose of defining general provisions for the giving of notice. The requirements of this Article shall be observed where the municipality is required to give notice to the public or to any other person of any municipal action pursuant to the requirements of any applicable legislation, regulation, or by-law (including this Chapter), but shall not apply to require the giving of any notice in circumstances where there is no requirement in any applicable legislation or regulation that notice be given in respect of any municipal action.

**15.15.2 Interpretation - municipal action**

For the purposes of this Article, “municipal action” includes any administrative or legislative action of The Corporation of the City of Brantford.

**15.15.3 Notice - proposed municipal action - general public**

Where any applicable legislation or regulation requires that notice be given to the general public of any proposed municipal action, such notice shall be given as set out in Sections 15.15.4 through 15.15.8, inclusive.

**15.15.4 Notice required - means of giving notice specified**

Notice shall be given in the manner specified in the applicable legislation or regulation, or within any other City by-law that specifically sets forth the manner in which notice shall be given to the public either for the specific municipal action or generally for municipal actions of that type.

**15.15.5 Notice required - means of giving notice not specified**

If there is no manner specified in the applicable legislation or regulation, or within any other City by-law that specifically sets forth the manner in which notice shall be given to the public either for the specific municipal action or generally for municipal actions of that type, notice shall be given to the public by way of any one (1) or more of the means set out in Section 15.15.6 and 15.15.7. For Meetings of the Council of the City of Brantford, the Committees created or continued under this Chapter, Boards and Advisory Committees created under Chapter 26 of the City of Brantford Municipal Code and Task Forces created by City Council, notice shall be given to the public not less than forty-eight (48) hours in advance of each regular Meeting and not less than twenty-four (24) hours in advance of each special Meeting by posting on the City’s Web site.

**15.15.6 Publication in the local newspaper**

Notice may be given by publication of at least one (1) notice in the local newspaper at least one (1) week before:

- (a) the Council Meeting at which the proposed municipal action will be considered; or
- (b) the date on which it is proposed that the municipal action will occur.

**15.15.7 Posting on the City's Web site**

Notice may be given by posting a notice on the City's Web site at least one (1) week before:

- (a) the Council Meeting at which the proposed municipal action will be considered; or
- (b) the date on which it is proposed that the municipal action will occur.

**15.15.8 Notice - where notice given directly to affected persons**

Where any applicable legislation or regulation requires that notice be given to particular individuals or other persons of any proposed municipal action, such notice shall be given as set out in Sections 15.15.9 through 15.15.13, inclusive.

**15.15.9 Notice required - means of giving notice specified**

Notice shall be given in the manner specified in the applicable legislation or regulation, or within any other City by-law that specifically sets forth the manner in which notice shall be given to the public either for the specific municipal action or generally for municipal actions of that type, or as set out in Section 15.15.10.

**15.15.10 Notice required - means of giving notice not specified**

If there is no other manner specified in the applicable legislation or regulation, or within any other City by-law that specifically sets forth the manner in which notice will be given to such particular individuals or other persons either for the specific municipal action or generally for municipal actions of that type, notice shall be given to the particular individuals or other persons by way of any one (1) or more of the means set out in Sections 15.15.11 and 15.15.12.

**15.15.11 Prepaid ordinary mail**

Notice may be given by mailing a notice by prepaid ordinary mail at least fourteen (14) days before:

- (a) the Council Meeting at which the proposed municipal action will be considered; or
- (b) the date on which it is proposed that the municipal action will occur.

**15.15.12 Posting on lands**

Notice may be given by posting a notice on the lands owned or occupied by the individual or other person entitled to receive notice by affixing it to the door of any building on the lands or by otherwise posting it in a conspicuous manner on the lands, at least one (1) week before:

- (a) the Council Meeting at which the proposed municipal action will be considered; or
- (b) the date on which it is proposed that the municipal action will occur.

**15.15.13 Notice - completed municipal action - general public**

Where any applicable legislation or regulation requires that notice be given to the general public of the completion of any municipal action, such notice shall be given as set out in Sections 15.15.14 and 15.15.15.

**15.15.14 Notice required - means of giving notice specified**

Notice shall be given in the manner specified in the applicable legislation or regulation, or within any other City by-law that specifically sets forth the manner in which notice shall be given to the public either for the specific municipal action or generally for municipal actions of that type.

**15.15.15 Notice required - means of giving notice not specified**

If there is no manner specified in the applicable legislation or regulation, or within any other City by-law that specifically sets forth the manner in which such notice shall be given to the public either for the specific municipal action or generally for municipal actions of that type, notice shall be given to the public through any one (1) or more of the means set out in Sections 15.15.16 through 15.15.17, inclusive.

**15.15.16 Publication in the local newspaper**

Notice may be given by publication of at least one (1) notice in the local newspaper not later than thirty (30) days following the date on which the municipal action occurred.

**15.15.17 Posting on the City's Web site**

Notice may be given by posting a notice on the City's Web site not later than thirty (30) days following the date on which the municipal action occurred.

**15.15.18 Notice - completed action - given to affected persons**

Where any applicable legislation or regulation requires that notice be given to particular individuals or other persons of the completion of any municipal action, such notice shall be given as set out in Sections 15.15.19 and 15.15.20.



**15.15.19 Notice required - means of giving notice specified**

Notice shall be given in the manner specified in the applicable legislation or regulation, or within any other City by-law that specifically sets forth the manner in which notice shall be given to the public either for the specific municipal action or generally for municipal actions of that type.

**15.15.20 Notice required - means of giving notice not specified**

If there is no manner specified in the applicable legislation or regulation, or within any other City by-law that specifically sets forth the manner in which such notice shall be given to the public either for the specific municipal action or generally for municipal actions of that type, notice shall be given to the individuals or other persons by pre-paid ordinary mail not later than thirty (30 days) following the date on which the municipal action occurred.

**15.15.21 Notice - proposed - completed municipal action - form**

Notice of proposed municipal action or the completion of any municipal action given pursuant to this Article need not be in any particular form, but shall at least include the following information:

- (a) the title or brief description of the proposed or completed municipal action; and
- (b) the date on which it is proposed the municipal action will occur or the date on which the municipal action occurred, as the case may be.

Any such notices may deal with specific municipal actions, or may be multiple notices in respect of multiple municipal actions, and may be contained within a single document or as parts of other documents, reports or notices.

**15.15.22 Matters for which notice shall be required**

The following table defines certain matters for which notice shall be given, even though the requirements to give notice in respect of the varieties of municipal action may have been eliminated or repealed. The following table is in addition to and not in substitution for any other requirements that may exist pursuant to any City policy or other applicable law. If the means through which notice shall be provided is marked “unspecified” in the following table, the provisions of this Article that refer to “means not specified” shall apply to define the methods through which notice shall be given in respect of the municipal action.

Variety of municipal action	Notice of proposed municipal action to be given			Notice of completion of municipal action to be given		
	Notice to general public	Notice to affected individuals and other persons	Means through which notice shall be provided	Notice to general public	Notice to affected individuals and other persons	Means through which notice shall be provided
Road closings	Yes	Yes	Unspecified	No	No	Not applicable

**Article 16  
DELEGATION**

**15.16.1 Purpose**

The *Municipal Act, 2001*, as amended, 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 Article is to set out the scope of the powers and duties pursuant to which Council may delegate its legislative and administrative authority, and to establish principles governing such delegation. This Article has been developed in accordance with the *Municipal Act, 2001*, as amended, in order to comply with paragraph 6 of subsection 270(1) and other applicable sections of that Act. This policy applies to all committees of Council, departments and Municipal Staff.

**15.16.2 Definitions**

In this Article,

- (a) “legislative powers” includes all matters where Council carries out legislative or quasi-judicial functions, including enacting by-laws, setting policies, and exercising decision-making authority.

- (b) “administrative powers” includes all matters required for the management of the corporation, which matters do not involve discretionary decision making.

### **15.16.3 Policy statement**

The Council of The Corporation of the City of Brantford, 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 Municipal 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, 2001*, as amended, and will respect the applicable restrictions set out in that Act and the regulations made under it.

### **15.16.4 Policy requirements**

The following specific policies shall be applied when considering a delegation of authority from Council to any Municipal Staff, person, or body:

- (a) all delegations of Council powers, duties or functions shall be effected by by-law;
- (b) 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;
- (c) a delegation of a power, duty or function under any by-law to any member of Municipal Staff includes a delegation to a person who is appointed by the Chief Administrative Officer or selected from time to time by the delegate to act in the capacity of the delegate in the delegate’s absence;
- (d) subject to Section 15.16.4 (c), a person to whom a power, duty or function has been delegated by by-law has no authority to further delegate to another person any power, duty or function that has been delegated, unless such sub-delegation is expressly permitted;
- (e) legislative powers may be delegated by Council where, in the opinion of Council, they are of a minor 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 restrictions set out in the *Municipal Act, 2001*, as amended, and the regulations made under it;

- (f) administrative powers may generally be delegated, subject to the conditions set out in the delegation and in this Article, and must take into account the restrictions set out in the *Municipal Act, 2001*, as amended, and the regulations made under it.

## **Article 17**

### **ACCOUNTABILITY**

#### **15.17.1 Purpose**

The *Municipal Act, 2001*, as amended, requires that a municipality shall 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 municipality's activities and services in accordance with the principles as outlined herein. This Article has been developed in accordance with the *Municipal Act, 2001*, as amended, to comply with paragraph 5 of subsection 270(1) and other applicable sections of that Act.

#### **15.17.2 Definitions**

In this Article,

- (a) “accountability” – the principle that the municipality will be responsible to its stakeholders for decisions made and policies implemented, as well as its actions or inactions.
- (b) “transparency” – the principle that the municipality actively encourages and fosters stakeholder participation and openness in its decision-making processes. Additionally, transparency means that the municipality's decision-making process is open and clear to the public.

#### **15.17.3 Policy statement**

The Council of the municipality acknowledges that it is responsible for providing 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 high quality services to its citizens, and promoting the efficient use of public resources. Accountability, transparency and openness are standards of good government that enhance public trust. They are achieved by way of the municipality adopting measures ensuring, 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.

**15.17.4 Policy requirements**

The principles of accountability and transparency shall apply equally to the political process and decision making, and to the administrative management of the municipality.

**15.17.5 Financial matters**

The municipality will be open, accountable and transparent to its stakeholders in its financial dealings as required under the *Municipal Act, 2001*, as amended. Some examples of how the municipality provides such accountability and transparency are as follows:

1. external audit
2. reporting/statements
3. strategic financial plan
4. asset management
5. purchasing/procurement
6. sale of land
7. budget process

**15.17.6 Internal governance**

The municipality's administrative practices ensure specific accountability on the part of its employees by way of the following initiatives:

1. code of conduct for staff
2. performance management and evaluation
3. hiring policy
4. orientation/continuing education
5. health and safety
6. work/life balance
7. compensation/benefits

**15.17.7 Public participation and information sharing**

The municipality ensures that it is open and accountable to its stakeholders by way of 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 *Municipal Act, 2001*, as amended, 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 that ensure participation by the public can be meaningful and effective, by way of timely disclosure of information by various means including print media, Web sites, etc. Some specific examples include:

1. procedure by-law
2. code of conduct for Members of Council
3. strategic plan
4. delegation rules
5. records retention
6. planning processes

## SCHEDULE

### Schedule “A” - Procedure - sale of municipal land

Except as otherwise provided in this Schedule, the *Municipal Act, 2001*, as amended, or any other applicable law, the following procedures shall be followed in land transactions by The Corporation of the City of Brantford:

#### 1. Real Estate Committee - composition

The Real Estate Committee shall be comprised of the following staff members:

- (a) General Manager, Community Development
- (b) General Manager, Public Works
- (c) City Solicitor
- (d) Manager, Real Estate
- (e) General Manager, Corporate Services By-law 64-2016, 26 April, 2016.

#### 2. Sale of Land Defined

In this Schedule, “Sale of Land” means the sale of or a lease for a term exceeding twenty-one (21) years of an interest in land, but does not include a Quit Claim Deed, Transfer or release to clear title to land where the City is not an equitable or beneficial owner of the land.

#### 3. Appraisal

- (a) The Real Estate Committee shall, prior to taking any action to sell the land, obtain an appraisal of the value of the land (or, in the case of the proposed sale of an easement, the value of the easement interest) from an accredited appraiser or other person qualified to give such an appraisal under all of the relevant circumstances.
- (b) Compliance with 3(a) above is not required in respect of a sale of the following classes of land:
  1. Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*, as amended.
  2. Closed highways if sold to an owner of land abutting the closed highways.
  3. Land formerly used for railway lines if sold to an owner of land abutting the former railway land.

4. Land that does not have direct access to a highway if sold to the owner of land abutting the land.
5. Land repurchased by an owner in accordance with section 42 of the *Expropriations Act*, as amended.
6. Land sold under section 107, 108 or 110 of the *Municipal Act, 2001*, as amended.
7. Easements granted to public utilities or to telephone companies.
8. Land sold to a municipality.
9. Land sold to a local board, including a school board and a conservation authority;
10. Land sold to the Crown in right of Ontario or Canada and their agencies.
11. Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses, but only where such land was assembled and developed by the municipality for industrial uses as part of its industrial land bank.
12. Land sold pursuant to Part XI of the *Municipal Act, 2001*, as amended.

#### **4. Public Tender Process**

- (a) All surplus land of The Corporation of the City of Brantford shall initially be offered for sale by public tender.
- (b) Compliance with 4(a) above is not required in respect of sales of the following classes of land:
  1. Land that consists of all or part of a public highway, lane or other road allowance that has been closed and such lands are being sold to the adjoining property owners.
  2. Land that is landlocked or undevelopable, and which cannot reasonably be used otherwise than by the adjoining owners.
  3. Lands sold under section 107, 108 or 110 of the *Municipal Act, 2001*, as amended.
  4. Residential land on which there is an existing ten- ant



and the sale is to such tenant.

5. Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses, but only where such land was assembled and developed by the municipality for industrial uses.
  6. Land that has been initially offered for sale by public tender or proposal call, where such tender process or proposal call did not result in a sale.
  7. Easements.
  8. Leases.
  9. Land sold to a successful proponent following a proposal call process during, which proposals for the sale, lease or development of municipally- owned land were solicited from the general public, qualified persons, or from a selected list of persons specifically invited to submit a proposal.
  10. Land that is being exchanged as all or any portion of the consideration for the acquisition of other lands by the municipality.
  11. Land that is sold under circumstances where Council has, by by-law or Resolution specific to such sale, exempted the sale from any requirement that it be offered for sale by public tender.
- (c) Where the land is to be sold by public tender, the Real Estate Committee shall cause the sale by tender to be advertised at least once in a daily or weekly newspaper having general circulation within the City of Brantford, and indicating that bids for the purchase of the said land shall be received by The Corporation of the City of Brantford and the method of submitting such bids.
  - (d) The Real Estate Committee shall, in each case, establish a confidential “reserve bid” below which land offered for public tender shall not be sold. The “reserve bid” shall be established with reasonable regard to the appraisal obtained with respect to the land in question.
  - (e) Where no bids are received that equal or exceed the “reserve bid”, the Real Estate Committee may negotiate with persons who submitted a bid during the tender process (with the first opportunity offered to the high bidder in the public tender and then progressively with other bidders) in an attempt to obtain an offer equal to or greater than the “reserve bid.”

- (f) In the alternative (and when no bids have been received during the Public Tender), the Real Estate Committee may cause the property to be listed with a local real estate company (Multiple Listing Service) for a period not to exceed three (3) months.
- (g) Where no offers equal to or greater than the “reserve bid” are received during the public tender process or the listing period, the Real Estate Committee shall advise Council of the best offer received and seek further directions from Council.
- (h) Where an offer equal to or greater than the “reserve bid” is received or where an offer below the “reserve bid” is recommended to Council by the Real Estate Committee, the Real Estate Committee shall provide Council with a report and recommendation on the proposed sale.

## **5. Council Approval**

Except where the sale in question is regulated or required by other applicable law, including Part XI of the *Municipal Act, 2001*, as amended, no sale shall take place until approved by Council by by-law.

## **6. Marketing**

- (a) The sale, marketing and conclusion of transactions for the sale of municipal lands shall generally be conducted by staff of the Legal & Real Estate Services Department of the Corporate Services Commission.
- (b) Despite 6(a) above, lands to be used for the establishment and carrying on of industries and industrial operations and incidental uses (but only where such land was assembled and developed by the municipality for industrial uses as part of its industrial land bank) shall be sold and marketed by staff of the Economic Development & Tourism Department of the Community Development Commission or by staff of the Legal & Real Estate Services Department of the Corporate Services Commission. By-law 64-2016, 26 April, 2016.
- (c) The sale price for industrial land to be used for the establishment and carrying on of industries and industrial operations and incidental uses (but only where such land was assembled and developed by the municipality for industrial uses as part of its industrial land bank) and the conditions and covenants related to the sale of such land shall be established by the Council having regard to market conditions, the cost of development of such land.

## **7. Environmental Assessments**

Prior to purchasing any lands, the municipality shall first obtain a Phase I Environmental Assessment in respect of such lands, except in the following circumstances:

1. Where the lands to be purchased consist of lands and roads conveyed pursuant to a planning or development approval.
2. Where the lands to be purchased consist of road widenings purchased by the City in residential neighbourhoods.
3. Where Council has determined that a Phase I Environmental Assessment is not necessary.

## **8. Unsolicited Offers to City for Sale or Purchase of Land**

City staff or members of Council who receive verbal or written offers to buy City lands or sell lands to the City must refer the offer to the Manager of Real Estate. All offers must be in writing. If the City receives an unsolicited offer in writing to either buy municipal land or to sell land to the City, the Legal & Real Estate Services Department will take the following steps:

1. A memorandum outlining the proposed acquisition or disposition will be circulated to City Departments for comments.
2. The comments will be reviewed by the Real Estate Committee and a determination made whether to recommend the proposed transaction to Council.
3. A confidential memorandum identifying the property, summarizing staff comments and any staff actions being taken or not taken will be sent directly to Council members for information purposes.

## **9. The Execution of Various Real Estate Documents**

All agreements of purchase and sale of real estate shall be prepared by the City Solicitor's office or approved as to form and content by the City Solicitor or his or her designate prior to being presented to Council for acceptance.

The said agreement shall be signed by the proposed purchaser or vendor prior to acceptance by Council.

Agreements of purchase and sale of real estate must be approved as to form and content by the Real Estate Committee prior to being presented to Council for acceptance.

Any offer to purchase that does not meet the City’s current policies concerning lot coverage, pricing, use or other requirements shall be accompanied by a written explanation describing the deviation and the reason for such deviation.

A Land Transfer Tax Affidavit shall be signed by the City Solicitor or, if he/she is unable to do so for any reason, by an Assistant City Solicitor or the Manager of Real Estate.

All other documents utilized in real estate transactions shall be prepared by or approved as to form by the City Solicitor, Assistant City Solicitor or their designate prior to being signed by the Mayor and Clerk.

### **10. Real Estate Commissions**

A real estate commission of four per cent (4%) of the sale price of lands (for lands owned by the City and not “listed” with a real estate agent or broker) shall be payable by the City only upon the closing of a sale of City land where the purchaser acknowledges that it has been introduced to City staff responsible for the sale of lands or to the particular land by a qualified real estate agent or broker.

No such commission shall be paid to any agent where the purchaser and the agent are not dealing at arms-length or where the purchaser and agent are “related or associated persons or companies” as defined in federal legislation relating to income taxation.

No such commission shall be payable unless the payment of the commission is set out in detail in the agreement of purchase and sale and approved by Council.

### **11. “Holds” on Industrial Land**

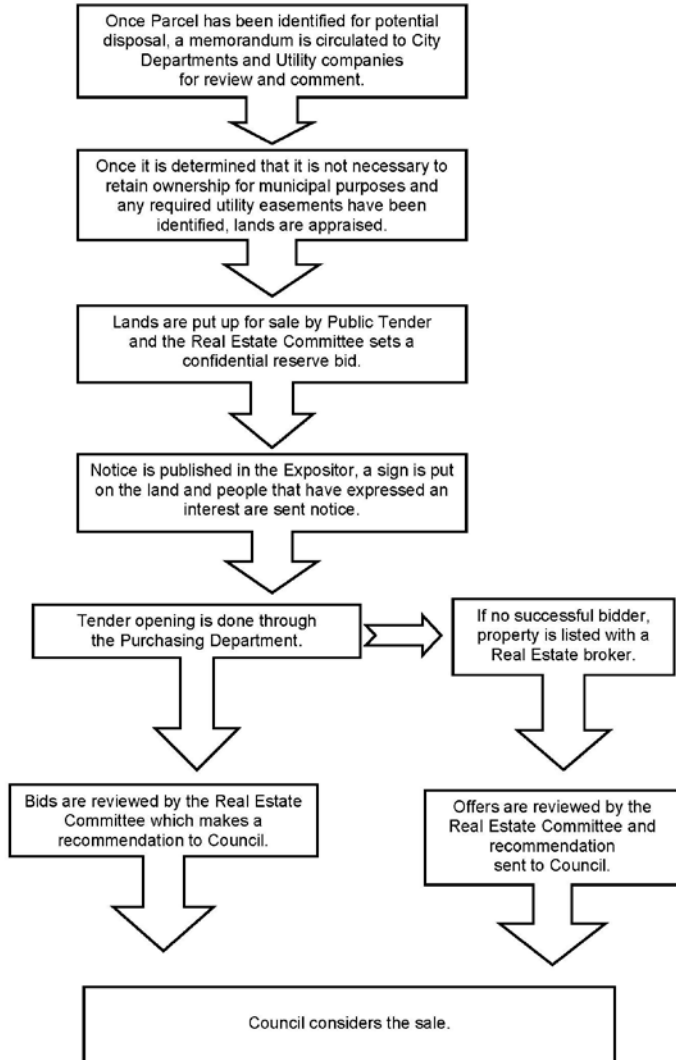
A “hold” arises in a situation in which a member of staff in the Economic Development & Tourism Department responsible for the sale of industrial land is dealing with a prospective purchaser of an industrial lot and agrees that the City will not market to or accept offers from another party for a stated period of time to permit the prospective purchaser to finalize details of the proposed development on the lot or preparation of legal documents, including an offer. All holds are subject to the following conditions:

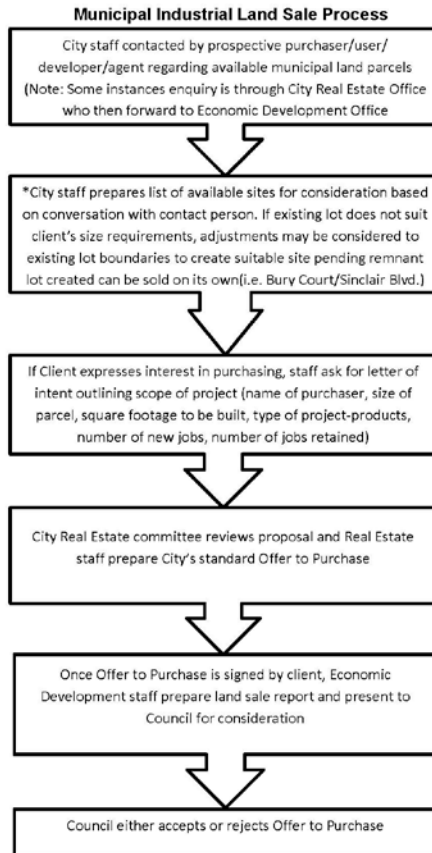
- (a) a hold must be confirmed in writing by the staff person granting the hold;
- (b) a letter of intent outlining the prospective purchaser’s proposed development must be received within seven (7) days from the granting of the hold, failing which the hold is rendered void;
- (c) a hold can be no longer than the time required to present the offer to the next available cycle of Council without the approval of the Chief Administrative Officer; and
- (d) no party shall have more than one (1) hold at time.

Staff of the Economic Development & Tourism Department and the Real Estate Manager are to be made aware of the hold.

Flow charts for the Municipal Land Sale and Municipal Industrial Land Sale processes are attached.

**Municipal Land Sale Process**





**Note:** During initial discussion, staff will advise of all available sites (public & private) that meet client's requirements.

By-law 118-2014, 29 September, 2014; By-law 136-2015, 16 November, 2015; By-law 64-2016, 26 April, 2016; By-law 24-2017, 28 February, 2017.