

The Corporation of the City of Burlington

City of Burlington By-law XX-2021

A by-law to provide for the rules of order of Council  
and its Committees, as amended, and to repeal **By-law 04-2020**  
File: 110-04-1 (CL-05-21)

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

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

Whereas the Council of the City of Burlington deems it expedient to repeal and replace By-law **04-2020 and all subsequent amending by-laws;**

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

## DEFINITIONS

In this by-law:

- 1.1 "Abstain" means a member who is lawfully entitled to vote but chooses not to exercise their right to vote on a matter. When a member abstains from a vote without declaring a pecuniary interest they will be counted as opposed to the motion.  
  
~~"Act" means the Municipal Act, S.O. 2001, c. 25.~~
- 1.2 "Board" in this by-law means a local authority established for the purpose of the municipality and does not include the Public Library Board.
- 1.3 "Chair" means the person presiding over a meeting of a Committee or Council.
- 1.4 "City" means The Corporation of the City of Burlington.
- 1.5 "Clerk" means the City Clerk of The Corporation of the City of Burlington and/or their designate.
- 1.6 "Committee" means a Committee of Council. This may be a Standing Committee or an Advisory Committee.

- 1.7 “Consent Agenda” means a listing of items that include, but are not limited to, those with no delegations, where no discussion is anticipated, informational items, and routine matters.
- 1.8 “Council” means The Council of the Corporation of The City of Burlington. The term Council also refers to Committees when no alternate rules are stated.
- 1.9 “Deputy Mayor” means a member acting in place of the Mayor when they are absent. This position is alternated by two members on a quarterly rotating basis by ward.
- 1.10 “Electronic Meeting” means a meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video conference, or via means of the internet);
- 1.11 “Emergency” means any period of time during which an emergency has been declared to exist in all or part of a municipality under section 4 or 7.0.1 of the *Emergency Management Act*;
- 1.12 “Emergency Management Act” means the *Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E. 9*, as amended;
- 1.13 “Ex-officio” means a member of a Committee by reason of holding another position, who has the rights and privileges of a full member or as otherwise outlined in this by-law or the Committee’s Terms of Reference.
- 1.14 “Closed Session” means a meeting, or portion thereof, closed to the public in accordance with s. 239 of the *Municipal Act, S.O. 2001, c. 25*.
- 1.15 “Majority” means more than half of the votes cast by members entitled to vote and present at time of voting.
- 1.16 “Meeting” means any regular, special or other meeting of Council, or Committee; where
- i. a Quorum of Members is present, and
  - ii. Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council or Committee.
- 1.17 "Member" means a member of the Council of The Corporation of the City of Burlington, or a member of a Standing Committee, or Advisory Committee of the Council.
- 1.18 “Motion Memorandum” is a document template issued by the Clerk on which a member must submit a motion. Motion Memorandums may also be used to sponsor a delegation, a piece of correspondence, or petition not related to an item on the agenda.
- 1.19 “Municipal Act” means the *Municipal Act, S.O. 2001, c. 25*.
- 1.20 “Notice of Motion” means an advance notice to members of a matter on which Council will be asked to take a position.

- 1.21 “Pecuniary Interest” means a direct or indirect financial impact in accordance with the *Municipal Conflict of Interest Act, R.S.O.1990, c.M. 50*.
- 1.22 “Point of Order” means a matter that a member considers to be a departure from or contravention of the rules, procedures and/or generally accepted practices of Council.
- 1.23 “Point of Privilege” means a matter that a member considers to question their integrity and/or the integrity of the Council.
- 1.24 “Quorum” means a majority of the total number of voting members currently on Council, or Committee. For Audit Committee purposes a quorum must consist of at least one member of Council and at least one community member.
- 1.25 “Recorded Vote” means documenting in the minutes of a Council meeting the name of each member and their vote on a public matter or question, in favour, opposed, or absent.
- 1.26 “Regular Meeting” means a scheduled meeting held in accordance with the approved calendar/schedule of meetings.
- 1.27 “Rules of Procedure” means the rules and regulations contained in this by-law.
- 1.28 “Special Meeting” means a meeting not scheduled in accordance with the approved calendar/schedule of meetings.
- 1.29 “Standing Committee” means any Committee outlined in the Procedure By-law and having an ongoing mandate or purpose.
- 1.30 “Unreasonable or Offensive Conduct” means conduct or statements that can be considered to be aggressive, abusive, threatening, intimidating, violent, harassing, defamatory, frivolous or vexatious.

## **APPLICATION**

- 2.1 The rules of procedure contained in this by-law will be observed in all proceedings of Council and will be the rules for the order and dispatch of business in Council and, with the necessary modifications, in Standing Committees.
- 2.2 Any rules or regulations contained in this by-law may be temporarily suspended, except for those rules or regulations that are set out by legislation, with the consent of at least two-thirds of the Council members present.
- 2.3 The Clerk will be responsible to interpret the rules of procedure under this by-law.

- 2.4 All points of order or procedure for which rules have not been provided in this by-law will be decided by the Chair in accordance, as far as is reasonably practicable, with the rules of parliamentary law as contained in Robert's Rules of Order.
- 2.5 All boards that may be described as Local Boards under *the Municipal Act*, **S.O. 2001, c. 25** and Advisory Committees of the City will use the rules of order and debate and relevant provisions of this by-law to govern the calling and proceedings of meetings.
- 2.6 All groups, agencies, firms or corporations that receive funding from Council and/or the City of Burlington will adopt provisions related to access of public meetings similar to this by-law.

## **ROLES AND DUTIES**

### **3. Mayor**

- 3.1 It is the role of the head of Council to:
  - a) carry out the responsibilities of their roles as described in sections 225 and 226.1 of the *Municipal Act* **S.O. 2001, c. 25**;
  - b) represent and support the Council and its decisions in all matters;
  - c) represent the municipality at official functions;
  - d) preside over all Council meetings, unless unavailable, in which case the Deputy Mayor will act as the presiding officer.
- 3.2 The Mayor's Chain of Office is worn only by the elected Mayor during Council meetings and special functions including official openings, parades, etc., at the Mayor's discretion.

### **4. Deputy Mayor**

- 4.1 Except as outlined in section 3, when the Mayor gives notice to the Clerk that they will be absent from the City, or is absent through illness, or their office is vacant, then the Deputy Mayor will act in the place of the Mayor, and while so acting, has and may exercise all the rights, powers and authority of the Head of Council.

The function of the Deputy Mayor is for corporate/administrative purposes, and will be filled by two members, on a quarterly rotating basis by ward.

- 4.2 The rotation of the Deputy Mayor will be on a quarterly basis, determined by the mayor in consultation with council prior to the start of each calendar year, subject to the provisions of section 4.1 and availability.

### **5. Chair**

- 5.1 The Chair will act as presiding officer over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding on all

questions relating to the orderly procedure of the meetings, subject to an appeal by any member to the Committee, or Council of any ruling of the Chair.

- 5.2 If the Chair desires to leave the Chair for the purpose of taking part in the debate or otherwise, they will call on the Vice-Chair, or in the absence of the Vice-Chair, on another member, to fill their place until resuming the Chair.

## 6. Members of Council

- 6.1 It is the role of the members of Council to:
- a) carry out the responsibilities of their roles as described in section 224 of *the Municipal Act S.O. 2001, c. 25*;
  - b) uphold the by-laws and policies of the Corporation of the City of Burlington;
  - c) deliberate on the business submitted to Committee and Council;
  - d) vote on all motions before Council;
  - e) respect the rules of procedure at all meetings.

## 7. Clerk

- 7.1 It is the role of the Clerk to:
- a) carry out the responsibilities of their roles as described in section 228 of the *Municipal Act S.O. 2001, c. 25*;
  - b) provide procedural advice to the Chair and to members on agenda business and on preparing motions;
  - c) ensure notice of meetings is provided as set out in this by-law;
  - d) make minor deletions, additions or other administrative changes to any by-law, motion, and/or minutes to ensure the correct and complete implementation of the actions of Council;
  - e) authenticate by signature when necessary all resolutions, by-laws and minutes of meetings and certify copies of such documents when required;
  - f) perform such other duties as prescribed by law, or by direction of Council.
- 7.2 The Clerk will be present at all meetings of Committee and Council.

## STANDING COMMITTEES OF COUNCIL

### 8. Organization and Rules

- 8.1 There are five Standing Committees of Council being Community Planning, Regulation and Mobility; Environment, Infrastructure and Community Services; Corporate Services, Strategy, Risk and Accountability; Council Workshop and Audit.
- 8.2 Committees will observe the rules of Council unless otherwise stated in this by-law. Exceptions include, but are not limited to the following:
- a) motions do not require a seconder;

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

## 9. Membership

- 9.1 All members of Council are members of the Community Planning, Regulation and Mobility; Environment, Infrastructure and Community Services; Corporate Services, Strategy, Risk and Accountability Committees and Council Workshop.
- 9.2 The Audit Committee is made up of the following voting members: three members of Council, a minimum of two and maximum of four community members and the Mayor, who is an ex-officio voting member of the Committee.

## 10. Election of Chair and Vice-Chair

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

## 11. Date, Time, and Place of Meetings

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

### **Council Workshop**

Mondays at 9:30 a.m. and/or 1 p.m.

### **Community Planning, Regulation & Mobility Committee (CPRM)**

Tuesdays at 9:30 a.m. and/or 6:30 p.m.

As scheduled at 6:30 p.m. for public meetings.

### **Corporate Services, Strategy, Risk & Accountability Committee (CSSRA)**

Wednesdays at 9:30 a.m. and/or 6:30 p.m.

As scheduled for budget meetings.

### **Audit Committee (Audit)**

Wednesdays at 3:30 p.m.

**Environment, Infrastructure & Community Services Committee (EICS)**

Thursdays at 9:30 a.m. and/or 6:30 p.m.

**12. Duties of the Standing Committees**

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

**13. Duties of the Environment, Infrastructure & Community Services Committee**

13.1 The Environment, Infrastructure & Community Services Committee will meet and report to Council on:

- a) matters under the jurisdiction of the Environment, Infrastructure and Community Services including; Engineering Services, Recreation, Community and Culture, Roads, Parks & Forestry, and Fire departments;
- b) matters arising from the following boards, committees and advisory committees:
  - Burlington Accessibility Advisory Committee (BAAC)
  - Burlington Sustainable Development Committee (SDC)
  - Art Gallery of Burlington Board (AGB)
  - Burlington Mundialization Committee
  - Burlington Museums Board
  - Burlington Performing Arts Centre
  - Burlington Public Library Board (BPL)
  - Burlington Seniors' Advisory Committee (BSAC)
  - Tourism Burlington

**14. Duties of the Community Planning, Regulation & Mobility Committee**

14.1 The Community Planning, Regulation & Mobility Committee will meet and report to Council on:

- a) matters under the jurisdiction of Community Planning, Regulation and Mobility including; Community Planning, Building and By-law, Transit, and Transportation Services departments;
- b) public hearings pursuant to the Planning Act, RSO 1990, c. P.13, as amended.
- c) matters arising from the following boards and advisory committees:
  - Aldershot BIA
  - Burlington Chamber of Commerce
  - Burlington Downtown Business Association
  - Burlington Economic Development Corporation (BEDC)
  - Committee of Adjustment
  - Heritage Burlington Advisory Committee
  - Integrated Transportation Advisory Committee (ITAC)
  - Burlington Cycling Advisory Committee
  - Burlington Agricultural and Rural Affairs Advisory Committee (BARAAC)
  - Downtown Parking Advisory Committee

- Property Standards Committee

## 15. Duties of the Audit Committee

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

## 16. Duties of the Corporate Services, Strategy, Risk & Accountability Committee

- 16.1 The Corporate Services, Strategy, Risk & Accountability Committee will meet and report to Council on:
- a) matters under the jurisdiction of the City Manager's Office, Office of the City Clerk, Corporate Communications & Engagement, Corporate Strategy, Customer Experience, Finance, Human Resources, Information Technology Services, and Legal Services departments;
  - b) the current and capital budgets;
  - c) all public meetings under the Development Charges Act, 1997, S.O. 1997, c. 27;
  - d) Burlington Strategic Plan and Vision to Focus work plan;
  - e) matters arising from the following board and advisory committee:
    - Burlington Hydro Electric Inc. (BHEI)
    - Burlington Inclusivity Advisory Committee (BIAC)

### 16.2 Reports Submitted by Members of Council

- a) Reports may be submitted from Members of Council, who have been appointed or elect to attend conferences, board or committee meetings at the City's expense, or to provide an update regarding the administration of their office. Its purpose is to communicate information to other members of Council and, or to the public in an official capacity.
- b) Reports submitted by Members of Council shall not be deemed urgent business and must be presented to Corporate Services, Strategy, Risk and Accountability Committee for discussion. In order for a report to be included on the agenda the report must be delivered to the Clerk by the Wednesday, the week the agenda is prepared, no later than 12:00 pm (Noon).
- c) Reports submitted by Members of Council are for information purposes and may only recommend to "receive and file".



**17. Duties of Council Workshop**

- 17.1 Council Workshop will meet when time is required for training, discussions with other levels of government and outside agencies, workshops on complex matters or strategic planning.

**18. Duties of Committee of the Whole**

- 18.1 Committee of the Whole may convene to consider policy issues not included in the mandate of a Standing Committee, or any other matter as determined by the Clerk in consultation with the Mayor and City Manager.
- 18.2 A Committee of the Whole meeting may be called if there is a lack of agenda items to convene the regularly scheduled standing committee meetings, as determined by the Clerk in consultation with the Mayor and the City Manager.
- 18.3 Committee of the Whole meetings shall be chaired by the Deputy Mayor at the time of the meeting. If the Deputy Mayor is not available, the meeting will be chaired by the previous Deputy Mayor.

**ADVISORY COMMITTEES OF COUNCIL**

**19. Advisory Committees**

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

## COUNCIL AND COMMITTEES OF COUNCIL

### 20. Meetings Open to the Public

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

### 21. Inaugural Meeting of Council

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

### 22. Notice of Meeting

- 22.1 The Clerk will provide notice to the public of all meetings of Council, agendas, cancellations and re-scheduling by:
  - a) posting the annual schedule of meetings on the City's website and by distributing copies upon request;
  - b) updating the City's website calendar within twenty-four hours of any changes made to the schedule.
- 22.2 The agenda for each regular Council or Committee meeting will be posted to the City's website not less than seventy-two hours before the hour appointed for the holding of the meeting. All items listed on the meeting agenda, and any addendum will constitute notice, unless otherwise directed by another by-law, city policy or applicable legislation.
- 22.3 Items or matters will not be added to the agenda after distribution to Council or Committee unless they are of an urgent nature and require a decision prior to the next Council or Committee meeting. In these cases, an Addendum will be prepared, distributed and posted to the City's website calendar, not less than 24 hours before the hour appointed for holding the meeting.
- 22.4 Delegation requests received in accordance with Section 46 and any correspondence received after the Addendum is posted will be listed on a Revised Addendum, prepared, distributed and posted to the City's website not less than 12 hours before the hour appointed for holding the meeting.

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

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

~~A Special Meeting of Council may be held, without notice, to deal with a situation of emergency, disaster or crisis as defined in the City of Burlington Emergency and Continuity Management Program By-law 46-2019, as amended or replaced from time to time, provided that an attempt has been made to reach the members by telephone and/or e-mail at their respective residence and/or place of business. No business except business dealing directly with the emergency, disaster or crisis will be transacted at that meeting.~~

- 22.5 Lack of receipt of the notice will not affect the validity of holding the meeting nor any action taken at the meeting.
- 22.6 The Chair may, if it appears that a storm or like occurrence will prevent the members from attending a meeting, postpone that meeting by advising the Clerk and as many members as they are able to reach. Postponement will not be for any longer than the next regularly scheduled meeting of that Committee or Council.

### **23. Regular Meetings**

- 23.1 Regular meetings of Council will be held in the Council Chambers of Burlington City Hall at 426 Brant Street, commencing at 1:00 p.m. and/or 6:30 p.m. on Tuesdays according to the calendar set annually and approved by Council.
- 23.2 Upon reviewing the Council agenda, the Clerk in consultation with the Mayor and City Manager may designate items of public interest to be dealt with at an evening portion of Council commencing at 6:30 p.m. Items designated to an evening portion will be noted on the Agenda.
- 23.3 At the meeting, members may request that items of interest be dealt with at an evening portion of the meeting. The request, made by motion, must be duly moved, and seconded and approved by a majority vote of Council members present.
- 23.4 Council may by resolution alter the time, day, and place of any meeting previously approved under **section 23.1**.
- 23.5 The Mayor or Chair may, with appropriate notice, postpone or cancel any regular Council, or Committee meeting if, in consultation with the Clerk, it has been determined that there are insufficient agenda items for the meeting, or if it appears that inclement weather or an emergency situation will prevent the members from attending.

### **24. Special Meetings**

- 24.1 The Mayor may at any time, call a special meeting of Council and direct the Clerk to poll Members of Council to ensure that a quorum of Council will be present.
- 24.2 Upon receipt of a petition of the majority of Members of Council, the Clerk shall call a special meeting for the purpose and the time mentioned in the petition.

24.3 The Clerk shall call a special meeting of Council for the purpose and/or at the time directed by a resolution of Council.

~~Notice will be provided by the Clerk in accordance with section 22 of this by-law.~~

24.4 No business may be considered at a special meeting of Council or of a Committee other than that specified in the notice, or agenda.

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

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

24.7 A Special Meeting of Council may be held, without notice, to deal with a situation of emergency, disaster or crisis as defined in the City of Burlington Emergency and Continuity Management Program By-law 46-2019, as amended or replaced from time to time, provided that an attempt has been made to reach the members by telephone and/or e-mail at their respective residence and/or place of business. No business except business dealing directly with the emergency, disaster or crisis will be transacted at that meeting.

## **25. Electronic Meetings**

25.1 Notwithstanding any other provision in this by-law, a regular or special meeting of Council, or committee of Council may be conducted by Electronic Meeting.

25.2 A member participating remotely in an Electronic Meeting under this section shall be counted in determining whether or not a quorum of members is present at any point in time in accordance with **section 28**, Call to Order and Quorum, of this by-law and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the meeting in person.

25.3 An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public and in accordance with this by-law.

25.4 A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a means to electronically access the open session of such Electronic Meeting.

25.5 Delegations at an electronic meeting may be permitted by way of being granted access to the Council audio-visual conferencing system. Delegates will be subject to adhere to the rules outlined in **section 46 of this by-law** (Delegations), **in concert with** the Remote Meeting Guide, and any instruction provided by way of the Clerk. All requests to delegate must be filed electronically to the Clerks Department by way of the online submission form or by email at [clerks@burlington.ca](mailto:clerks@burlington.ca).

25.6 Public attendance to Electronic Meetings may be restricted to electronic means.

## 26. Agenda Review

26.1 An agenda of Council or Standing Committee may be reviewed prior to issuance, in accordance with this section.

26.2 If an Agenda Review is conducted, the following members and staff will be notified and permitted to attend. In the absence of a required individual, a delegate may attend in their place.

a) Council:

Mayor

City Manager

City Clerk

b) Standing Committee:

Chair of the Standing Committee

Members of Senior Management Team that report to the Standing Committee.

Committee Clerk

26.3 During the Agenda Review, the Mayor/Chair with the support of City Manager/SRT members in attendance may:

a) move any item under the Consent Agenda section of the Agenda

b) re-arrange the order of business

c) defer any item on the Agenda to a subsequent meeting; and

d) cancel any meeting, due to a lack of items to constitute the meeting.

## 27. Closed Session

27.1 In accordance with sections 239(2) and 239(3) of the *Municipal Act*, S.O. 2001, c. 25, a meeting, or part of a meeting may be closed to the public if the subject matter being considered is:

a) the security of the property of the municipality or local board;

b) personal matters about an identifiable individual, including municipal or local board employees;

c) a proposed or pending acquisition or disposition of land by the municipality or local board;

d) labour relations or employee negotiations;

e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;

h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;

i) a trade secret or scientific, technical, commercial, financial or labour relations

- information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
  - k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board;
  - l) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act;
  - m) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13 (1) of the *Municipal Act*, or the investigator referred to in subsection 239.2 (1) of the *Municipal Act*;
  - n) educational or training of the members where at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- 27.2 Prior to moving into a closed session for one of the reasons listed in section 27.1, Council will pass a motion stating:
- a) the fact that Council is convening into closed session;
  - b) the specific provision under the Municipal Act that permits the item to be considered in a closed session; and
  - c) the general nature of the matter to be considered.
- 27.3 Attendance in closed sessions will be limited to the members of Council, Clerk, City Manager and those specifically invited to remain by Council.
- 27.4 Members are prohibited from discussing any additional matters during a closed session other than those identified by the motion passed under section 27.2.
- 27.5 When in closed session a vote will not be taken unless the vote is for a procedural matter, or for giving direction to staff or other individuals under 239(6) of the *Municipal Act*.
- 27.6 On reconvening in public session, the Chair will accept a motion regarding the matters discussed in closed session, or alternatively advise that direction had been given to staff during the closed session in accordance with the *Municipal Act*.
- 27.7 The use of electronic devices to record proceedings of a closed session is prohibited.
- 27.8 The Clerk is responsible for maintaining a confidential copy of all original documentation distributed and confidential minutes of all closed sessions.

**28. Call to Order and Quorum**

- 28.1 The Chair will call the meeting to order as soon after the hour of meeting as a quorum is present. Quorum is achieved when a majority of the members are present. For Standing Committee and Council purposes, four members will constitute a quorum. For Audit Committee purposes, at least one member present must be a member of Council and at least one member must be a community member.
- 28.2 If a quorum for a Council, or Committee meeting is not present within fifteen (15) minutes of the time fixed for the commencement of the meeting, the Clerk will indicate that no quorum is present and the meeting will stand adjourned until the next meeting of Council.
- 28.3 Where the number of members who are unable to participate in a meeting by reason of the provisions in the Municipal Conflict of Interest Act, R.S.O.1990, c.M. 50, such that at that meeting the remaining members are insufficient to constitute quorum, the remaining members will be deemed to constitute a quorum, provided such number is not less than two.
- 28.4 If during the course of a Council meeting, a quorum is lost, the Chair will declare that the meeting will stand recessed temporarily or be adjourned until the date of the next regular meeting.

**29. Disclosure of Pecuniary Interest**

- 29.1 It is the responsibility of each member to identify and disclose a pecuniary interest on any item or matter before Council, or Committee in accordance with the *Municipal Conflict of Interest Act, R.S.O.1990, c.M. 50*.
- 29.2 Where a member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council or Standing Committee at which the matter is the subject of consideration, the member will, in accordance with *Municipal Conflict of Interest Act, R.S.O.1990, c.M. 50 (5)*:
- a) file a written statement of the interest and its general nature with the Clerk prior to the meeting;
  - b) not take part in the discussion of, or vote on any question with respect to the matter;
  - c) not attempt in any way before, during and/or after the meeting to influence the vote on the matter.
- 29.3 Where a meeting is not open to the public, in addition to complying with the requirements under the Municipal Conflict of Interest Act, the member will forthwith leave the meeting for the part during which the matter is under consideration.
- 29.4 The Clerk will record the particulars of any disclosure of pecuniary interest made by members of Council or Committees in the minutes of that meeting and update the online Registry.

**30. Meeting Recess**

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

**31. Adjournment Hour**

31.1 All meetings will adjourn when Council, or Committee have completed all business listed on the agenda, or at 10:00 p.m., whichever is earlier. No meeting will proceed beyond the hour of 10:00 p.m.

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

**COUNCIL AND COMMITTEE AGENDAS AND MINUTES**

**32. Council Agenda**

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

- a) Call to Order
- b) National Anthem
- c) Land Acknowledgement
- d) Regrets
- e) Proclamations
- f) Recognitions and Achievements
- g) Motion to approve Council Minutes
- h) Presentations
- i) Declarations of Interest
- j) Delegations
- k) Petitions
- l) Recommendations from Standing Committees
- m) Motion to Approve Standing Committee Minutes
- n) Urgent Business
- o) Motions of Members
- p) Council Information Package
- q) Motion to Receive and File Information Items
- r) Motion to Consider Confidential Items
- s) Notice of Motion
- t) Motion to Approve By-laws
- u) Confirmatory By-law
- v) Statements by Members
- w) Motion to Adjourn

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



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

32.4 The Urgent Business section of the Council agenda is reserved for staff reports with time sensitive recommendations. Reports listed in this section must clearly indicate why the recommendation is of an urgent nature or time sensitive. The Clerk and the City Manager will review all staff report requests to Council and determine whether the report is listed on the agenda or referred to the appropriate standing committee.

### **33. Council Information Package (CIP)**

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

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

### **34. Standing Committee Agenda**

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

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

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

### **35. Consent Agenda**

35.1 Items that will be placed on the consent agenda include, but are not limited to, those with no delegations, where no discussion is anticipated, informational items, and routine matters.

35.2 All items listed in the consent agenda are subject to a single motion that is neither debatable, nor amendable. A member may make a brief comment regarding a consent item prior to the consideration of the motion, however, if an item requires further discussion, debate, or an amendment it must be removed from the consent agenda and placed on the regular agenda for discussion.

### **36. Notice of Motion**

36.1 A notice of a motion must be provided in writing and in the prescribed form of a Motion Memorandum, to the Clerk. Motions submitted directly for Council consideration must include a mover and a seconder.

36.2 In order for a notice of motion to be included on an agenda, it must be delivered to the Clerk via [clerks@burlington.ca](mailto:clerks@burlington.ca) by the Wednesday, the week the agenda is prepared, no later than 12:00 pm (Noon). When establishing the annual meeting calendar, the Clerk shall identify corresponding motion deadline dates through their report to Council.

36.3 Submitted motions will be reviewed as per form by the Clerk, and then reviewed by the City Manager to ensure the motion is in accordance with the approved Code of Good Governance and Council Staff Relations Policy.

~~Reports of Committees included in the Council agenda will constitute notice of motion with respect to any matter contained in the reports and recommended by any Committee for adoption by Council.~~

~~Staff reports in the Council agenda, listed as Reports of Municipal Officers, not having been considered by any Committee for adoption by Council, will constitute notice of motion for the purposes of any relevant motion brought at Council.~~

36.4 Where it is deemed necessary to not delay the consideration, a motion may be introduced without notice by Committee or Council by way of a successful two-thirds vote of the members present to waive notice.

36.5 A notice of motion, with a mover and a seconder, may be introduced by the mover on the floor during the notice of motion section at a regular meeting of Council for consideration at a subsequent meeting.

36.6 Copies of the Notices of Motion that have been read out at a Council meeting shall be distributed to Members at the first available opportunity by the Clerk.

### **37. Motions Introduced at Standing Committee**

37.1 Members are encouraged to bring motions related to the administration of the city to the appropriate standing committee for introduction and debate.

37.2 Motions requesting a policy or by-law amendment must be directed to the City Manager or appropriate department for review with a report back to Committee.

37.3 Motions with a substantial financial or budget implication may be introduced but must be referred to the Chief Financial Officer for review on financial impacts with a supplemental report.

### **38. Motions Introduced at Council**

38.1 As Council is the final approving body with limited debate, motions made directly to Council should be limited to the following areas:

- a) Motions pertaining to a sponsored petition;
- b) Motions in support or opposition to proposed or pending legislation from other levels of government;
- c) Motions in support of resolutions passed by other councils; and
- d) Motions of advocacy to other levels of government.

### **39. Motions Not Within Jurisdiction of the Council**

39.1 A motion in respect of a matter which is not within the jurisdiction of the Council shall not be in order.

### **40. Staff Directions**

40.1 A staff direction is a request from Council for research or additional and/or supplemental work to be completed by staff. Requests may come in the form of a motion, or an amendment to a staff report's recommendation, with all requests voted upon by Council. Only approved staff directions will be actioned by staff. All staff directions are recorded by the Clerk in the minute record.

40.2 The Clerk shall keep a list of approved staff directions. After each Council meeting a list of approved staff directions arising from that meeting will be entered into the municipality's meeting management system, and a report will be issued to Council and the Burlington Leadership Team.

40.3 Quarterly, a full listing of outstanding staff directions will be issued by the Clerk and the list will be circulated by way of memorandum in the Council Information Package.

40.4 At the beginning of the Council term a report will be generated by the Clerk featuring the previous Council's outstanding staff directions. The incoming Council will review the list, and by motion move any items to a new staff directions list that is reflective of the incoming Council's priorities.

### **41. By-Laws**

41.1 Every by-law being considered will be listed in the Council agenda by an identifying number, followed by a brief description of the intention of the by-law. Every by-law will be in writing and shall require only one reading prior to being passed by a majority vote of Council.

- 41.2 Unless separated at the request of a member, all by-laws proposed for adoption will be passed collectively by a single motion.
- 41.3 Every by-law passed by Council will be sealed with the seal of the Corporation, signed by the Mayor, or Chair of the meeting at which the by-law was passed, and by the Clerk present at the meeting, and deposited with the Clerk to become part of the official record.
- 41.4 A by-law will be passed for each regular or special Council meeting to confirm the proceedings thereof.
- 41.5 The Clerk is authorized to make minor corrections to any by-law resulting from technical or typographical errors prior to the by-law being signed.

## **42. Minutes**

- 42.1 Minutes shall record:
  - a) the place, date and time of meeting;
  - b) the name of the Chair and the record of the attendance of the members;
  - c) declarations of pecuniary interest;
  - d) the motions considered and votes taken by Council, or Committee; and
  - e) except as provided elsewhere in this by-law, all the other decisions or authorized actions without note or comment
- 42.2 Confidential Session minutes shall record:
  - a) the place, date and time of meeting;
  - b) the names of the Chair and the record of the attendance of the members and any other attendees;
  - c) a description of the substantive and procedural matters discussed, including specific reference to any documents considered;
  - d) the procedural motions considered and votes taken by Council, or Committee; and
  - e) all directions given.
- 42.3 The minutes of each Council and Committee meeting shall be presented to Council at the next regular meeting for confirmation.
- 42.4 Reports considered in confidential session shall be released to the public upon Council direction; in accordance with a legal opinion; or in conformity with the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

## **RULES OF CONDUCT AND DEBATE**

### **43. Conduct of Members**

- 43.1 Members of Council and Standing Committees will:

- a) act in accordance with their Declaration of Office under the Municipal Act, 2001;
  - b) discharge with integrity all responsibilities to Council, the City of Burlington, and the public, in keeping with approved corporate policies;
  - c) where the member is involved in an issue outside the member's own ward, inform the ward councillor of such involvement;
  - d) only speak in a respectful manner of the Reigning Sovereign, any member of the Royal Family, the Governor-General, the Lieutenant-Governor, the Head of the Government of Canada, or the Province of Ontario;
  - e) treat the Chair, other members, staff, and delegates from the public with courtesy, respect and good faith;
  - f) hold in strict confidence all information concerning matters dealt with in closed session. The member will not release, make public or in any way divulge any such confidential information or any aspect of the closed session deliberations, unless expressly authorized or required by law;
  - g) be encouraged to ask any relevant questions of staff prior to any meeting where an issue may be introduced or debated so that staff may be able to have appropriate information at such meeting if necessary;
  - h) not leave their seat or make any noise or disturbance while a vote is being taken and until the result is declared;
  - i) not criticize any decision of the Council except for the purpose of introducing a motion for reconsideration;
  - j) not disobey the rules of the Council or a decision of the Chair or Council on a question of order, practice or interpretation of the rules of the Council;
  - k) turn off, or silence, all electronic devices except those in use to facilitate the meeting;
  - l) adhere to the City's Code of Good Governance, attached as Schedule B to this by-law.
- 43.2 Where a member has been called to order by the Chair for disregarding the rules of procedure and the member persists in such conduct, the Chair may order the member to vacate the meeting place. If the member apologizes, the Chair may permit the member to retake their seat.
- 43.3 If the member called out of order does not apologize and will not leave their seat, the Chair will recess the meeting and request that the Clerk contact security.
- 44. Public Conduct at Council and Committee Meetings**
- 44.1 Only members and authorized City staff will be allowed to proceed beyond the speaker's podium without permission of the Chair or Clerk.
- 44.2 Public attendees must maintain order and will not display signs or placards, applaud, heckle, or engage in telephone or other conversation, or any behaviour that may be considered disruptive. No person will use indecent, offensive, or insulting language or speak disrespectfully to anyone in Council Chambers.

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

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

#### **45. Presentations**

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

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

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

#### **46. Delegations**

46.1 Requests to delegate at a Committee meeting and Council must be submitted to the Clerks Department prior to noon the day before a meeting. If the meeting is held on a Monday, delegations must register by 12 noon the Friday before the meeting.

46.2 Any person, group of persons, or organization may request to speak to an item listed on the agenda provided that the subject matter of the delegation directly relates to the item on the agenda. All requests to delegate must be made in writing to the Clerk, outline the nature of their request, and include any additional material (i.e. PowerPoint) by the deadline stated in **section 46.1**.

**46.3** If a delegate requests to speak regarding a matter not listed on the agenda, they must have a member of Council sponsor the item **by way of a motion memorandum to the Clerk no later than Wednesday at 12:00 pm (noon) the week the agenda is prepared.**

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

46.5 The Clerk will provide the Chair with all requests to delegate submitted after the deadlines stated in **section 46.1**, for Council consideration. A majority vote is required to permit the delegate to speak.

- 46.6 Delegations will be permitted without prior registration during any public meeting as required by sections 17 (19.2), 34 (14.2) and 51(20) of the *Planning Act, R.S.O. 1990, c. P.13*. Delegations are strongly encouraged to register before the standard delegation registration deadline and will be asked to fill in an attendance form to fulfill legislative notice requirements.
- 46.7 Delegations will be permitted to speak for a maximum of ten minutes at Committee and five minutes at Council. The allotted time includes any audio or video presentations but does not include answering questions from members. If there are numerous delegates taking the same position on a matter, the Clerk will encourage them to select one spokesperson to present their views within the time allocation.
- 46.8 The speaking time for a delegation may only be extended by majority vote of the members present.
- 46.9 Delegations must abide by the rules of procedure and public conduct at meetings. They will accept any decisions of the Chair and not enter into cross debate with members, other delegations, or staff. Any discourse between members and the delegation will be limited to members asking questions for clarification and obtaining additional, relevant information only.
- 46.10 Where the City Manager or the Clerk determines that a person requesting to delegate is likely to engage in unreasonable or offensive conduct, make unreasonable or offensive statements or demands, repeatedly speak on a subject matter that is not within the City's jurisdiction, or otherwise misuse the privilege of addressing Committee or Council, the person will not be permitted to appear as a delegate at the meeting.
- 46.11 At the discretion of the Mayor/Chair, City Manager or City Clerk, written delegation material may be requested in advance of the meeting prior to confirming registration as a delegation. Upon review of that material by the Mayor/Chair, City Manager or City Clerk, if it is deemed not applicable to the business of Council or Standing Committee, the delegation will not be registered to speak at the meeting.
- 46.12 If a request to delegate has been denied in accordance with **section 46.1**, the City Manager or the Clerk will:
- a) Notify the requester that they will not be permitted to appear as a delegate and provide reasons for the decision; and
  - b) Inform the members of the decision to deny the request.
- 46.13 Delegations are not permitted at Council Workshops.

## **47. Correspondence**

- 47.1 Every communication, pertaining to a matter on a meeting agenda, that the Clerk is in receipt of will form part of the public record. It is the duty of the Clerk to ensure that all communications received are circulated to members of Council and made publicly available in advance of the meeting, and if necessary, during a meeting.

- 47.2 All communications must meet the following conditions:
- a) be legible;
  - b) delivered in person, or sent by mail, email or fax;
  - c) be addressed to Council, a committee, or to the Clerk;
  - d) not contain any impertinent or improper language;
  - e) be signed by at least one person and include either a mailing address or a phone number for contact purposes;
  - f) must be within the jurisdiction of the City.
- 47.3 Clerk shall list every communication and petition that relates to an item on the agenda and has been received no later than 12 noon on the day before the meeting. If the meeting is held on a Monday, communications must be submitted by 12 noon the Friday before the meeting.
- 47.4 Communications that pertain to a Standing Committee decision that has yet to be ratified by Council will be forwarded to the Council agenda to be listed. Communication on a matter, that is received after a Council decision has been rendered will be circulated to Members of Council, form part of the public record but will not be listed on a minute record.
- 47.5 Communications that do not pertain to a matter on the agenda must be sponsored by a Member of Council. The Member must include a **motion memorandum** which clearly outlines the reasons for sponsoring the communication and the remedy sought. The correspondence and the accompanying **motion memorandum** must be received on or before the Wednesday the week the meeting agenda is published. Items received after the deadline may be circulated as part of an addendum and requires a 2/3 vote to add the item to the agenda.
- 47.6 At the discretion of the Clerk, communications may be redacted to protect personal information that has been included by the author.

## **48. Petitions**

- 48.1 A petition is a written request signed by more than one member of the public in support of a shared cause or concern. A petition may be presented in paper format, electronically, or make use of an online system for petitions. Council will be the only body that can receive a petition.
- 48.2 A petition may be delivered in person or sent by mail, fax or email to:
- a) the Clerk if the petition relates to a matter on the agenda; or
  - b) to a Member if the petition does not relate to a matter on the agenda.
- 48.3 A petition must contain the following:
- a) the date of when the petition commenced;
  - b) the name and civic address, telephone number or email address of the organizer who started the petition for contact purposes;



- c) the name and postal code of each person who signed or electronically submitted their name to the petition, if possible, the civic address of all participants; and
  - d) a clear statement which communicates the purpose of the petition. All petitions must be on matters within the jurisdiction of the City.
- 48.4 Petitions respecting items on the agenda must be received by the deadline as outlined in section 47.3. Petitions respecting items that are not on the agenda require a sponsor and an accompanying motion memorandum which must be received on or before the Wednesday the week the meeting agenda is published. Items received after the agenda is published require a 2/3 vote to add the item to the agenda.
- 48.5 Petitions that relate to a matter on the agenda will be dealt with during the Petitions portion of the meeting. At that time any petitions received will be read into the record by stating the purpose of the petition and indicating how many individuals have signed.
- 48.6 Unless otherwise directed by City Council by way of motion, petitions, pertaining to a matter on the agenda, will be received and filed under the motion to receive and file information items.
- 48.7 A petition not relating to an item on the agenda may be sponsored by a Member. The Member must include a motion memorandum which clearly outlines the reasons for sponsoring the petition and the remedy sought. When introducing the matter, the Member will read into the record the purpose of the petition, how many individuals have signed it and then present their motion. The motion memorandum and accompanying petition must be received on or before the Wednesday of the week the meeting agenda is published. Reports received after the deadline requires a 2/3 vote to add the item to the agenda.
- 49. Questions/Speaking**
- 49.1 Members will be permitted to ask each delegation two questions at a time directly relating to the matter under consideration.
- 49.2 Prior to accepting a motion, the Chair will permit two questions at a time from each member directly relating to the matter under consideration.
- 49.3 A member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding. All questions will be stated succinctly and will not be used as a means of making statements, or assertions.
- 49.4 All members will address their questions and comments through the Chair.
- 49.5 Members are encouraged to provide questions to staff prior to the meeting and address any answers received during the comments portion of the discussion.
- 49.6 When all questions have been addressed a member may move a motion. The Chair will allow the mover to address Council first.

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

**50. Motions at the Meeting**

- 50.1 In Council, the following motions may be introduced verbally, without notice and without leave, except as otherwise provided by this by-law:
  - a) a point of order or privilege;
  - b) to suspend the rules of procedure;
  - c) to postpone definitely (deferral motion with a specified date/meeting);
  - d) to refer;
  - e) to amend;
  - f) to postpone indefinitely (deferral motion without specifying a date/meeting);
  - g) to close debate;
  - h) to adjourn;
  - i) any other procedural motion.
- 50.2 The mover and seconder may withdraw a motion or a notice of motion at any time prior to it being opened for discussion by the Chair. If withdrawn prior to discussion, the motion is not included in the minutes of the meeting.

- 50.3 After a motion has been opened for discussion by the Chair, it will be deemed to be in the possession of Council but may be withdrawn by the originator at any time before a decision or amendment, provided Council does not object.
- 50.4 When a motion is under consideration, no new main motion will be accepted. Non-main motions are acceptable including procedural motions, and motions to refer, defer, and amend.
- 50.5 After a motion has been put to vote by the Chair, no member may speak to the motion nor will any other motion be made until after the vote is taken and the result has been declared.
- 50.6 A motion regarding a matter that is beyond the jurisdiction of Council will not be in order except a matter that, in the opinion of the majority of Council, has to do with the welfare of the citizens generally. The question of the opinion is to be decided without debate.
- 50.7 Schedule A of this by-law describes the form and standard descriptive characteristics of subsidiary and privileged motions commonly used in Committee and Council.

## **51. Voting**

- 51.1 Voting will be conducted in the following order:
- a) amendment to any amending motion;
  - b) upon determination of a) above, any subsequent amendment to the amending motion;
  - c) the amending motion;
  - d) the main motion (as amended or as originally presented).
- 51.2 When the motion under consideration contains distinct recommendations, a member may request that the vote be taken separately on each recommendation and no vote will be required to be taken on the matter as a whole.
- 51.3 When a vote is called by the Chair, each member, unless they have declared a pecuniary interest, will vote by a clear show of hands. The Chair will first ask those in favour to raise their hands, followed by those opposed and will then declare the result of the vote. A vote will never be taken by secret vote, or ballot.
- 51.4 Every member present at a meeting will vote on every motion, unless prohibited by legislation. Failure to vote for any reason will be deemed to be a negative vote.
- 51.5 Except as provided elsewhere in this by-law, a motion will be considered carried when a majority of the members present and voting have voted in favour of the motion. When there is a tie vote the motion is lost.
- 51.6 In a Council meeting, a recorded vote will be taken on all motions that move the business of the organization, where electronic voting is available.

51.7 During a recorded vote, the Chair will call the vote in accordance with **section 51.3**, while also asking members to vote electronically.

51.8 When electronic voting is not available, a recorded vote will be taken only upon the request by a member immediately before or after a vote is taken.

## **52. Reconsideration**

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

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

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

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

- a) may only be introduced by a member who was present at the meeting and voted in the majority when the decision was made or who was not present at the meeting when the decision was made;
- b) will be introduced as a notice of motion in accordance with **sections 36.5 and 36.6** for consideration; and
- c) requires an affirmative vote of two-thirds of the members present.

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

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

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

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

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

**53. By-laws 04-2020, 13-2020, 21-2020, 68-2020, 89-2020 and 90-2020 are hereby repealed; and**

54. Schedules A and B as affixed hereto form part of this by-law; and

55. This by-law will come into full force and take effect on the final day of passing thereof.

Enacted and passed this 27<sup>th</sup> day of January 2020.

Mayor Marianne Meed Ward \_\_\_\_\_

City Clerk Kevin Arjoon \_\_\_\_\_

## SCHEDULE A - COMMON MOTIONS

### 1. Motion to Adjourn

- 1.1 A Motion to adjourn:
  - a) is always in order except as provided by this by-law;
  - b) is not debatable;
  - c) is not amendable;
  - d) is not in order when a member is speaking or during the verification of the vote.
  - e) is not in order immediately following the affirmative resolution of a motion to close debate; and
  - f) when resulting in the negative, cannot be made again until after some proceedings have been completed by Council.
- 1.2 A motion to adjourn without qualification, if carried, brings a meeting or a session of Council to an end.
- 1.3 A motion to adjourn to a specific time, or to reconvene upon the happening of a specified event, suspends a meeting of Council to continue at such time.

### 2. Point of Privilege

- 2.1 A member may at any time raise a point of privilege directing attention to a matter that affects the integrity, character or reputation of an individual, individuals or the entire Council, or the ability of an individual to participate.
- 2.2 A point of privilege will take precedence over any other matter and a member will not be permitted to enter into any debate or introduce any motion not related to the point of privilege.
- 2.3 The Chair will decide upon the point of privilege and advise the members of the decision.
- 2.4 The Chair's decision is final unless a member immediately appeals the decision.
- 2.5 If the decision of the Chair is appealed, the Chair will immediately call a vote on the decision. The vote will occur without debate and the results will be final, based on a two-thirds vote.

### 3. Motion to Close Debate (Previous Question)

- 3.1 A motion to close debate:
  - a) is not debatable;
  - b) is not amendable;
  - c) cannot be moved with respect to the main motion when there is an amendment under consideration;

- d) should be moved by a member who has not already debated the question.
- e) requires a two-thirds majority vote of members present for passage; and
- f) when resolved in the affirmative, the question is to be put forward without debate or amendment.

**4. Motion to Postpone Definitely (Motion to Defer)**

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

**5. Motion to Refer (To Committee or Staff)**

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

**6. Motion to Amend**

- 6.1 A motion to amend:
- a) is debatable;
  - b) is amendable;
  - c) will be relevant and not contrary to the principle of the motion under consideration; and
  - d) may propose a separate and distinct disposition of a question provided that such altered disposition continues to relate to the same issue which was the subject matter of the question.
- 6.2 Only one motion to amend an amendment to the original motion will be allowed at one time. Further amendments will be considered after a vote on the amendment to the proposed amendment.

**7. Motion to Postpone Indefinitely**

- 7.1 A motion to postpone indefinitely:
- a) stops a motion and avoids a direct vote on the question;
  - b) is debatable;
  - c) is not amendable; and
  - d) requires a majority vote.

**8. Point of Order**

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

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

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



## **SCHEDULE B**

### **CODE OF GOOD GOVERNANCE**

#### **PREAMBLE**

The Council of the City of Burlington is committed to achieving excellence in governance, and doing so in a way that maintains and ensures public trust and confidence in the City's decision making. The elements of this Code that are subject to a formal complaint are intended to act as a Code of Conduct as required under the Municipal Act.

#### **PURPOSE**

The City of Burlington's Council Code of Good Governance serves four main purposes:

- To set out, in a manner that is aspirational and proactive, clear expectations of the governance behaviour of members of Council;
- To provide clarity to the public as to the behaviour they can expect from members of Council, and the governance responsibilities that go beyond those in the Municipal Act;
- To provide guidance to members of Council in the conduct of their duties as elected officials; and
- To provide a mechanism for responding to alleged breaches of elements of the Code.

#### **APPLICATION**

This Code applies to all members of the Council of the City of Burlington. It is the responsibility of all members to be aware of and comply with the Code.

#### **ASPIRATIONAL COMMITMENTS (NOT SUBJECT TO A COMPLAINT)**

1. We will put the interests of the City above our own personal interests when conducting City business.
2. We acknowledge that working collaboratively will provide better governance decisions.
3. We will exercise strategic leadership by developing and clearly communicating to the public the Council's purpose and priorities, and its intended outcomes.
4. We will ensure alignment of our key policies, budgets, and other policy instruments with our strategic goals, and hold ourselves, and staff accountable for the efficient and effective delivery of those goals.

5. Because our decisions often have generational impacts, we will strive to take the long view, and in doing so sincerely consider the interests of those who will be immediately impacted, and those who will be impacted in the future.
6. We will, with our Audit Committee, identify risks to the corporation and ensure that Council and staff are effectively managing those risks.
7. We will strive to ensure expansive transparency and robust accountability.
8. We will exemplify the responsibilities and role articulated for members of Council in the Municipal Act.

**CONDUCT COMMITMENTS (SUBJECT TO A FORMAL COMPLAINT)**

9. We will not use city resources to advance our personal interests, we will adhere to the Council Expense Manual, and we will be particularly cautious about using city resources during an election, and will act in compliance with the City's policies respecting elections.
10. We will treat each other, the public, and staff with courtesy and respect. In particular, we will act in a manner that ensures the Council Chamber is a respectful workplace.
11. We will communicate information to the public in ways that are accurate, timely, and in the interest of the corporation. We will respect that the Mayor, as head of council, is the primary spokesperson for Council.
12. We will respect the role of a ward councillor to play a leadership role on issues specific to their ward, and if we engage in issues in other wards we will exercise the courtesy of informing the ward councillor of our engagement.
13. We will take full responsibility for and curate any social media and Internet presence that the City and/or individual members of Council are responsible for in a way that reflects a high level of courtesy and respect. We will ensure that commenters are respectful, and do not impugn the motives, integrity, or competence of our Council colleagues, other members of the public, or staff. We will take reasonable efforts to address false or misleading information posted to our social media feeds.
14. We will hold in strict confidence all information concerning matters dealt with in Closed Council meetings, matters subject to solicitor client privilege, personal information, or information that is otherwise determined to be confidential.
15. We will avoid any actual or perceived conflict of interests. We, and our family members, will avoid accepting gifts, and where accepting a gift is an integral part of our duties as a member of council, we will report those valued at more than \$25 accepted, to the City Clerk who will annually report them to the public. We will adhere to the Corporate Policy on Gifts and Hospitality.

16. We will avoid directly or indirectly managing or controlling any monies received relating to a charitable, not for profit, or community-based organization's fundraising in our capacity as a member of Council. We will avoid soliciting or accepting benefits or hospitality in any form from an individual, group or corporation who might require a decision or consideration by the City. We will keep a record of all donors to events we organize, and the value of their donation, and file it with the City Clerk.
17. We will respect the relative roles of Council to govern, and staff to manage. We will not direct staff, attempt to influence their professional advice to Council, and will not make public comments that impugn their performance. We will actively create and sustain an environment where staff are comfortable providing their professional advice to Council, even when it may be difficult or controversial. We will take extra efforts to avoid engaging in purchasing decisions, litigation and insurance matters, by-law enforcement, prosecutions, and human resources matters (except those involving the City Manager), unless acting collectively with other members of Council in consideration of business brought forward for direction or decision.
18. We will foster respect for the democratic decision-making process. We will accurately communicate decisions of Council, even if we disagree with Council's decision. When we disagree with a Council decision we will do so in a way that avoids impugning the motives, integrity or competence of our Council colleagues, staff, or the institution generally.
19. We will hold ourselves individually accountable to these principles, and collectively accountable in a way that is respectful and constructive, and will use the complaint mechanism as a course of last resort.

### **COMPLIANCE WITH THE CODE OF GOOD GOVERNANCE**

Members of Council shall adhere to the provisions of the Code of Good Governance. The Municipal Act, 2001 authorizes Council, where it has received a report by its Integrity Commissioner that, in their opinion, there has been a violation of those elements of the Code subject to complaint, may impose either of the following penalties:

- A reprimand;
- Suspension of the remuneration paid to the member in respect of their services as a member of Council or a local board, as the case may be, for a period of up to 90 days.

The Integrity Commissioner may also recommend that Council impose any of the following sanctions where there has been a breach of policy, separately established but referenced in this Code:

- Written or verbal public apology;
- Return of property or reimbursement of its value or of monies spent;
- Removal from membership of a committee; and
- Removal as chair of a committee.

### **Complaint of a Violation of this Code**

Any individual that has reasonable grounds to believe that a Member has breached this Code, may file a complaint with the City Clerk.

The Integrity Commissioner shall be responsible for investigating such complaints and if the parties are in agreement, the complaint may be resolved by way of mediation.

If either party does not participate in the mediation process, if the complaint is not resolved through this process, or the matter is not appropriate for referral to mediation, the Integrity Commissioner shall assume responsibility for investigating the complaint in accordance with the procedures established by Council.

In the case of a complaint of discrimination or harassment, the complainant may file a complaint directly to the Human Resources Department under the City of Burlington Respect in the Workplace Policy. The complainant will also be advised of their right to advance an application to the Ontario Human Rights Tribunal.

### **Procedure – Informal Complaint**

Any individual who has identified or witnessed behaviour or activity by a member that appears to be in contravention of the Code may address their concerns informally with the member directly. Individuals are encouraged to use this process before initiating a formal complaint, however it is not a requirement to do so before initiating a formal complaint. Informal complaints can be pursued in the following manner:

1. Advise the member that their behaviour or activity contravenes the Code.
2. Encourage the member to stop the prohibited behaviour or activity.
3. If applicable, confirm to the member your satisfaction, or dissatisfaction with their response to the concern identified.
4. Keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information, including steps taken to resolve the matter.
5. If not satisfied with the response received through the informal process, an individual may proceed with a formal complaint through the Integrity Commissioner.

### **Procedure – Formal Complaint**

Any individual who has identified or witnessed behaviour or activity by a member that appears to be in contravention of the Code may address their concerns through the formal complaint process set out below.

1. All formal complaints must be made using the Complaints Form prepared by the City Clerk and/or Integrity Commissioner and shall be dated and signed by the Complainant.
2. The complaint must include an explanation as to why the issue raised may be a contravention of the Code and any evidence in support of the allegation must be included with the Complaints Form.

3. Any witnesses in support of the allegation must be identified on the Complaint Form.
4. The Complaint Form must include the name of the member alleged to have breached the Code, the section of the Code allegedly contravened, the date, time and location of the alleged contravention and any other information as required on the Complaint Form.
5. The complaint shall be filed with the Clerk who shall confirm that the required information is complete. The Clerk will forward the complaint form to the Integrity Commissioner who will determine whether the matter is, on its face, a complaint with respect to non-compliance with the Code and not covered by other legislation or policies.
6. The Integrity Commissioner may request additional information from the complainant.

### **Response of Integrity Commissioner of Complaint outside Jurisdiction**

If the complaint received by the Integrity Commissioner is deemed not to be a complaint with respect to non-compliance with the Code, the Integrity Commissioner shall advise the complainant in writing as follows:

Criminal Matter – if the complaint is an allegation of a criminal nature consistent with the Criminal Code of Canada, the complainant shall be advised that pursuit of such an allegation must be made through the Halton Police Services.

Municipal Freedom of Information and Protection of Privacy – if the complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be referred to the Clerk to have the matter reviewed under the Act.

If the matter is covered by other policies or legislation, the complainant will be advised to proceed in a manner as considered appropriate by the Integrity Commissioner.

### **Refusal to Conduct an Investigation**

If upon review of a complaint, the Integrity Commissioner is of the opinion that the complaint is frivolous, vexatious or not made in good faith, or that there are no or insufficient grounds for an investigation, the Integrity Commissioner will not conduct an investigation and shall communicate this position in writing to the complainant and the member identified in the Complaint Form.

### **Opportunity for Resolution**

If at any time, following the receipt of a formal complaint or during the investigation process, the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the member agree, efforts may be made to achieve an informal resolution.

## Investigation

If the Integrity Commissioner determines that a formal investigation is required they shall proceed in the following manner, subject to the Integrity Commissioner's ability to elect to exercise the powers of a commissioner under Parts I and II of the Public Inquiries Act:

- The Integrity Commissioner shall provide a copy of the complaint and any supporting materials to the member whose conduct is in question with a request that a written response to the allegation be provided to the Integrity Commissioner within ten days.
- The Integrity Commissioner shall provide a copy of the response provided by the member to the complainant with a request for a written reply within ten days.
- If necessary, after reviewing submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials, and may enter any City work location relevant to the complaint for the purpose of investigation and potential resolution.
- The Integrity Commissioner may make interim reports to Council where necessary and as required to address any issues of interference, obstruction, delay or retaliation encountered during the investigation.
- At any time the complainant may abandon the request for an investigation and the Integrity Commissioner will cease his or her investigation.

## Recommendation Report

Upon completion of an investigation, the Integrity Commissioner shall report to the complainant and the member on the results of their review within ninety days of receiving a complete Complaint Form. If the investigation process is going to take more than ninety days, the Integrity Commissioner shall provide an interim report to the complainant and member indicating when the complete report will be available.

If during the investigation process, the complaint is withdrawn, sustained or resolved, the Integrity Commissioner shall report to Council outlining the findings, and terms of any resolution and any recommended action within thirty days.

If upon completion of the investigation the Integrity Commissioner finds that a breach of the Code has occurred, the Commissioner shall report their findings to Council including a recommendation as to the imposition of a penalty as set out in the Municipal Act.

If upon completion of the investigation the Integrity Commissioner finds that there has been no contravention of the Code, or that a contravention occurred, however, the member took all reasonable measures to prevent it, or the contravention committed was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall set this out in its report to Council.

### **Reports Prior to Election**

The Integrity Commissioner shall not make any report to Council or any other person after the last Council meeting in June in any year in which a regular municipal election is to be held. Any reports would proceed to the first Council meeting after the Inaugural meeting of the new Council.

### **Confidentiality**

The Integrity Commissioner and every person acting under their instructions shall preserve the confidentiality of all documents, materials or other information, whether belonging to the City or not, that come into their possession or to their knowledge during the course of their duties subject to section 223.5(2) and 223.5(3) of the *Municipal Act*.

- 9.2 If the Integrity Commissioner reports to Council on an investigation into an alleged breach of the Code, the report shall only disclose such information that in the Integrity Commissioner's opinion is required for the purposes of the report.