



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

*Number* \_\_\_\_\_ - 2023

## **To Amend Procedure By-law 160-2004 to Incorporate New Mayoral Duties and Responsibilities and Other Housekeeping Amendments**

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WHEREAS City Council, at its November 1, 2023 meeting, passed a Resolution to incorporate new mayoral duties and responsibilities, in accordance with Part VI.1 of the Municipal Act, 2001, and make other housekeeping amendments;

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS as follows:

1. By-Law 160-2004, as amended, is hereby further amended by deleting paragraph 2.1 and replacing with the following:

“The inaugural meeting of the council after a regular election shall be held on the first Monday after the start of the term, or on such day and time in December prior to the first Monday as may be fixed by resolution of the council in office at the time of the preceding regular election.
2. By-Law 160-2004, as amended, is hereby further amended by deleting paragraph 2.2 and replacing with the following:

“The first regular meeting of the council following the inaugural meeting of the newly elected council shall be held on such day and time as may be fixed by resolution of the council in office at the time of the regular election preceding the inaugural meeting.”
3. By-Law 160-2004, as amended, is hereby further amended by deleting paragraphs 2.3 (2) and (3) and replacing with the following:
  - “2) Other meetings may be held at any convenient location within or outside the City at the call of the Mayor or Committee Chair in accordance with the requirements of this Procedure by-law.
  - 3) Public notice of meetings shall be provided as follows:
    - a) notice of meetings shall be published in the annual and monthly calendar of meetings available through the City Clerk’s Office and, on the City’s website
    - b) agendas, including all public attachments, shall be available through the City Clerk’s Office, after publication
    - c) agendas shall be published whenever possible through the City’s website

- d) any member of the public may obtain a printed copy of a public matter included on an agenda through the City Clerk's Office, for such charge as may be provided for in the User Fee By-law"
- 4. By-Law 160-2004, as amended, is hereby further amended by inserting after the title "Standing Committees" and before the first paragraph in paragraph 2.5 the following:

"Unless decided otherwise by the Mayor, in accordance with the provisions of the Part VI.1 of the Municipal Act, 2001, wherein the Mayor shall establish the committee structure and appoint chairs and vice-chairs, in regard to committees comprised entirely of Members of Council, the following standing committee provisions prevail."
- 5. By-Law 160-2004, as amended, is hereby further amended by inserting after the title "Other Committees" and before the first paragraph in paragraph 2.6 the following:

"Unless decided otherwise by the Mayor, in accordance with the provisions of the Part VI.1 of the Municipal Act, 2001, wherein the Mayor shall establish the committee structure and appoint chairs and vice-chairs, in regard to committees comprised entirely of Members of Council, the following committee provisions prevail."
- 6. By-Law 160-2004, as amended, is hereby further amended by deleting paragraph 2.7 (3) (b) (iii) and replacing with the following:

"(iii) The Planning and Development Committee shall meet on the first and third Monday of each month at 7:00 p.m. and 1:00 p.m., respectively, unless determined otherwise by the Chair and respective Department Head."
- 7. By-Law 160-2004, as amended, is hereby further amended by deleting paragraph 2.7 (3) (c) (ii).
- 8. By-Law 160-2004, as amended, is hereby further amended by deleting paragraph 2.7 (3) (d) (iii) and replacing with the following:

"Notwithstanding subsection (3)(d) above, during the months of July, August and December, one regular meeting of the Planning and Development Committee shall be held in the month commencing at 7:00 p.m., or at such other date and time as may otherwise be provided for by resolution."
- 9. By-Law 160-2004, as amended, is hereby further amended by deleting paragraphs 2.9 (4) and (5) and replacing with the following:

"(4) The Clerk shall circulate the closed session agenda to all members of the Council and to such staff as directed by the Chief Administrative Officer or Council resolution.

(5) No item may be added to an agenda for a closed session without the prior approval of the City Solicitor or designate regarding the subsection(s) of the Municipal Act, or other applicable legislation, which authorizes each item to be considered at the closed session."
- 10. By-Law 160-2004, as amended, is hereby further amended by deleting paragraphs 2.9 (13) and replacing with the following:

"(13) For discussion of items regarding confidential matters related to an individual City employee during a closed session, the Chief Administrative Officer will designate which staff members may be present and the Chief Administrative Officer may, if appropriate, be the designate of the Clerk for that portion of the closed session."

11. By-Law 160-2004, as amended, is hereby further amended by deleting paragraphs 2.13 and replacing with the following:

“By notifying the Clerk (either orally or in writing) before the commencement of a meeting, a member of the council may designate another member of the council to attend a committee meeting, for which they are not a member, on their behalf and the member of the council so designated shall be deemed to be a member of the committee for the purposes of that meeting.”

12. By-Law 160-2004, as amended, is hereby further amended by deleting paragraph 4.1 (1) and replacing with the following:

“1) For each regular meeting of the Council, the Clerk shall have prepared and provided electronically where possible, an agenda with a list of all items to be considered in the following headings:

- Call to Order
- Approval of Agenda
- Declarations of Interest
- Adoption of the Minutes
- Consent Motion
- Announcements
- Delegations
- Government Relation Matters
- Reports from the Head of Council
- Reports of Corporate Officials
- Reports of Accountability Officers
- Committee Reports
- Unfinished Business
- Correspondence
- Notices of Motion
- Other Business/New Business
- Public Question Period
- By-laws
- Closed Session
- Confirming By-Law
- Adjournment”

13. By-Law 160-2004, as amended, is hereby further amended by deleting paragraph 4.1 (3) (a) and replacing with the following:

“3) (a) For each regular or special meeting of a committee, the Clerk shall have prepared and provided electronically where possible, an agenda with a list of all items to be considered under such headings as may be established by the Clerk to effectively manage the business to be considered, but in any case, the agenda shall include the following in the appropriate order:

- Call to Order
- Approval of Agenda
- Declarations of Interest
- Announcements
- Delegations
- Public Question Period
- Adjournment

14. By-Law 160-2004, as amended, is hereby further amended by deleting paragraphs 4.2 (1) to (5) and replacing with the following:
- “(1) Council or Committee may review agenda items listed on the agenda to identify agenda items for debate and consideration, with the balance to be approved as part of a Consent Motion given the items are generally deemed to be routine and non-controversial, and such routine and non-controversial agenda items may be approved by a single Consent Motion.
  - (2) Any member, before the consent motion is voted on, may add or remove any number of items of business from the consent motion and each such item shall be dealt with separately and pursuant to section 9 in the order in which the item appears on the agenda.
  - (3) Any member, before the consent motion is voted on, may add to the consent motion, any number of items of business from the agenda, except delegations, added new business and other items for which a decision of the Council or Committee requires discussion and debate.
  - (4) In the event that a member declares a conflict of interest on an item that is included in the consent motion, that item shall be removed from the consent motion and dealt with separately and pursuant to section 9 in the order in which the item appears on the agenda.”
15. By-Law 160-2004, as amended, is hereby further amended by deleting paragraph 4.3 (2) and replacing with the following:
- “(2) It shall be the decision of the Clerk, in consultation with the Mayor or Committee Chair, whether the announcement will be included on the agenda, and the Clerk shall notify the sponsoring Member and the person who requested the announcement of the decision made.”
16. By-Law 160-2004, as amended, is hereby further amended by deleting paragraph 4.4 (2) and replacing with the following:
- “(2) The Mayor may read issued proclamations at Council meetings on behalf of City Council, and a two-minute speaking opportunity shall be provided to the recipient accepting the proclamation, with presentation receptions occurring outside the meeting, unless decided otherwise by Council.”
17. By-Law 160-2004, as amended, is hereby further amended by deleting paragraph 4.5 (3) and replacing with the following:
- “(3) For the purposes of subsections (1) and (2) above, it shall be the decision of the Clerk, in consultation with the Mayor or Committee Chair, whether a delegation will be included on an agenda.”
18. By-Law 160-2004, as amended, is hereby further amended by deleting paragraph 4.5 (6) (b) and replacing with the following:
- “(b) In the event that a request for delegation, preferably in writing, wishing to address an item already on the agenda is received after the agenda has been finalized for printing purposes, the Clerk shall accept such request until two hours prior to the meeting start time and shall provide a list of such delegations, in the order they were

received, to Council or committee at or before the meeting, and they shall be added to the agenda notwithstanding Section 4.10.”

19. By-Law 160-2004, as amended, is hereby further amended by deleting paragraph 4.6 (2) and replacing with the following:

“(2) Every item of correspondence and every petition shall be received by the Clerk no later than 4:30 p.m. on the Tuesday of the week preceding the meeting and, if, in the opinion of the Mayor, it contains any obscene or improper matter or language, the Mayor shall decide whether it should be included on the agenda. Any correspondence or petition regarding an item already on the agenda, and received after the agenda has been finalized for printing purposes and before the start of the meeting, shall be accepted up to two hours prior to the start of the meeting and the Clerk shall provide the correspondence or petition to Council or committee at or before the meeting, and they shall be added to the agenda notwithstanding Section 4.10.”

20. By-Law 160-2004, as amended, is hereby further amended by deleting paragraph 4.9 and replacing with the following:

“It shall be the duty of the Clerk to ensure that the agenda for a regular meeting prepared in accordance with subsection 4.1 shall be published online with notice provided to each member not less than forty eight (48) hours before the hour appointed for the holding of such regular meeting. The Clerk shall ensure each member is notified of any revised agenda or agenda updates as soon as practically possible after agenda publication.”

21. By-Law 160-2004, as amended, is hereby further amended by adding to paragraph 4.10 the following:

“(4) Notwithstanding paragraphs (1) to (3) above, and agenda business deadlines set out in this by-law and established by the Clerk, in accordance with the provisions of the Part VI.1 of the *Municipal Act, 2001*, the Mayor may propose by written notice a matter or a by-law for consideration by the Council at any time before or during the meeting.”

22. By-Law 160-2004, as amended, is hereby further amended by adding after paragraph 7.5 the following:

“7.5.1 Voting Subject to Part VI.1 of the *Municipal Act, 2001*

- (1) Voting on a mayoral proposed by-law at a Council meeting shall be deemed carried with one-third vote of all the members of the Council voting in favour.
- (2) Voting on a mayoral by-law veto override by the Council shall be deemed carried with a two-thirds vote of all the members of the Council voting in favour.
- (3) Voting on a mayoral budget resolution veto override by the Council shall be deemed carried with a two-thirds vote of all the members of the Council voting in favour.
- (4) The mayor is entitled to vote on a vote described in paragraphs (1) to (3).”

23. By-Law 160-2004, as amended, is hereby further amended by deleting paragraph 7.12 (1) and replacing with the following:

“(1) Any member may request that a recorded vote be taken on any motion, immediately preceding or during the taking of the vote.”

24. By-Law 160-2004, as amended, is hereby further amended by deleting paragraph 7.14 and replacing with the following:

“If a member disagrees with the announcement of the chair that a motion is carried or lost he may, but only immediately after the declaration by the chair, object to the chair's declaration and request that the vote be retaken, and may request a recorded vote.”
25. By-Law 160-2004, as amended, is hereby further amended by adding after paragraph 8.6 the following:

“Notwithstanding paragraphs 8.1 to 8.5 above, and agenda business deadlines set out in this by-law and established by the Clerk, in accordance with the provisions of the Part VI.1 of the *Municipal Act, 2001*, the Mayor may propose a matter or a by-law for consideration by the Council at any time before or during the meeting.”
26. By-Law 160-2004, as amended, is hereby further amended by adding after paragraph 9.4 (7) the following:

“In accordance with Part VI.1 of the *Municipal Act, 2001*, a proposed mayoral by-law introduced at a Council meeting cannot be amended by the Council, and shall only be put to a vote pursuant to the *Municipal Act, 2001*, or withdrawn by the mayor for submission of a new mayoral by-law at some future meeting.”
27. By-Law 160-2004, as amended, is hereby further amended by deleting paragraph 11.3 (1) and replacing with the following:

“(1) When a member desires to appeal a ruling of the chair regarding conduct, the member shall give notice to the chair that their ruling is being appealed and shall state the nature of the appeal. A statement by the chair of a rule, as set out in this by-law, is not a ruling of the chair and cannot be appealed.”
28. By-Law 160-2004, as amended, is hereby further amended by deleting paragraph 23.1 and replacing with the following:

“The provisions of Section 22 shall remain in effect during a non-emergency period, in accordance with Sections 238 (3.1) and (3.3) of the *Municipal Act, 2001*, effective from the date when the COVID-19 emergency declaration existing in all or part of a municipality by the Head of Council or the Province under sections 4 or 7.0.1 of the *Emergency Management Act* has been lifted, for a period of one (1) year, or until Council decides otherwise.”
29. By-Law 160-2004, as amended, is hereby further amended by the words “his” and “her” throughout the by-law and replacing with “their” in all instances.

ENACTED and PASSED this 1<sup>st</sup> day of November, 2023.

Approved as to  
form.  
2023/10/25  
S. Akhtar

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Patrick Brown, Mayor

Approved as to  
content.  
2023/10/03  
P. Fay

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Peter Fay, City Clerk