



## **By-law 2019-100**

### **PROCEDURAL BY-LAW (AS AMENDED)**

This By-law printed under and by the authority of the Council of the City of Barrie

**A By-law of The Corporation of the City of Barrie to repeal and replace By-law 2013-072, as amended being a by-law to govern the proceedings of Council**

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Bill No. 100

**BY-LAW NUMBER 2019-100**

**A By-law of The Corporation of the City of Barrie to  
repeal and replace By-law 2013-072, as amended being  
a by-law to govern the proceedings of Council**

**WHEREAS** Article 238 of the *Municipal Act, S.O. 2001* as amended requires the Council of every municipality to pass a by-law for governing the calling, place and proceeding of meetings;

**AND WHEREAS** by motion 19-G-260 and 19-G-318 the Council of The Corporation of the City of Barrie deems it expedient to repeal and replace By-law 2013-072, as amended;

**NOW THEREFORE** the Council of The Corporation of the City of Barrie enacts as follows:

**1. DEFINITIONS**

**In this By-law:**

- 1.1 "Deputy Mayor" means a member appointed by the Council to act in place instead of the Mayor;
- 1.2 "Agenda" means a list of all items to be considered by the Council at the meeting for which the agenda was published;
- 1.3 "City" means the City of Barrie
- 1.4 "Clerk" means the City Clerk of the Corporation of the City of Barrie;
- 1.5 "Closed Delegation" means a person who wishes to address a Reference Committee of City Council to share their insights and comments concerning subjects of community interest subject to the criteria for a closed meeting under Section 239 of the Municipal Act;
- 1.6 "Committee of the Whole" means all members present at a meeting in Committee but not a Standing Committee and acting within the Rules set out in Section 9;
- 1.7 "Consent Agenda" means a list of items on the Agenda containing recommendations from the Clerk as to their disposition, all of which may be adopted by one motion of the Council or Committee, but any of which may be transferred to the regular agenda for consideration upon the request of a member;
- 1.8 "Consider Motion" means a motion requiring a member of Staff, Council or a Committee to contemplate the merits of an action.
- 1.9 "Council" means the Council of the Corporation of the City of Barrie;
- 1.10 "Deputation" means an opportunity to appear before Council in support or opposition to a recommendation from Standing Committee prior to Council's consideration of the matter.

- 1.11 "Emergency Deputation" means a request to provide a Deputation in support or opposition to a recommendation from the Standing Committee received after the City Council agenda has been prepared and published and prior to Council's consideration of the matter.
- 1.12 "Holiday" means:
- a) any holiday as defined in the Interpretation Act, R.S.C. 1985;
  - b) Boxing Day;
  - c) any day proclaimed by the head of Council as a Civic holiday;
- 1.13 "Item for Discussion" means a motion brought forward by a member of Council that provides for matters such as direction to staff, invitation for a presentation;
- 1.14 "Mayor" means the head of the Council of the Corporation of the City of Barrie;
- 1.15 "Member" means a member of Council and includes the head of Council;
- 1.16 "Open Delegation" means a person or organization who wishes to address a Reference Committee of City Council to share their insights and comments concerning subjects of community interest, where such subjects are within the jurisdiction of City Council.
- 1.17 "Presentation" means an informational presentation given by City staff or representatives of an organization, agency, board, service partner or Committee including community announcements, status reports concerning projects, initiatives, programs or services.
- 1.18 "Reference Committee" means the members so appointed sitting in Committee and acting within the terms of reference defined in Schedule "A";
- 1.19 "Standing Committee" means all the members present at a meeting sitting in Committee but not a Committee of the Whole and acting within the terms of reference defined in Section 12;
- 1.20 "Quorum" of Council and/or Committee of Council shall be the majority of the members (50% +1). An ex-officio member may be used to determine that quorum is present. The presence of the ex-officio member's absence shall not negatively impact the determination of quorum.

## **2. GENERAL**

- 2.1 The rules and regulations in this By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in the Council.
- 2.2 In all unprovided cases in the proceedings of Council or its Committees, the matter shall be decided by the Mayor in accordance with Bourinot's Rules of Order.
- 2.3 The first meeting of a newly elected Council after a regular election shall be held on the first Monday in December. The Mayor-elect and Clerk shall be responsible for the content of the Agenda for the Inaugural Meeting and the arrangements for the Inaugural Proceedings.
- 2.4 No meeting of Council, Standing Committee, Reference Committee or Advisory Committee shall be held in the absence of the Clerk or his designate.
- 2.5 The Clerk shall determine the items to be considered by the Council in accordance with the provisions of this By-law and prepare an agenda for each regular or special meeting of Council, Standing Committee, Reference Committee and/or Advisory Committee Meeting.

- 2.6 The Clerk shall publish the agenda for all regular meetings on the day which proceeds the day of the meeting by four days.
- 2.7 The Clerk shall record the proceedings of all meetings of Council, Standing Committee, Reference Committees and Advisory Committees.
- 2.8 The Clerk shall be the Secretary to all Committees of Council and may assign his/her duties as Secretary of any Committee to an employee in his Department, the Commissioner of Corporate Services or the City Administrator. It shall be the duty of the Secretary of every Committee:
- a) To cause notice of each regular and special meeting of such Committee, together with the agenda and all matters so far as are known that are to be brought before the Committee at such meeting, to be sent to each member of the said Committee and every member of Council;
  - b) to prepare a consent agenda for all regular meetings listing the items to be considered and providing recommendations as to their disposal for adoption by one motion if it is the wish of the Committee to do so;
  - c) to attend all meetings of the Committee and to record the proceedings of all such meetings;
  - d) to notify appropriate City officials of any orders made by the Committee which are to be acted or reported upon, without the orders of the Council.
- 2.11 The Council or Standing Committee may refer back to any Committee any report in whole or in part of any question or matter for reconsideration.
- 2.12 All unfinished business be carried forward to the next meeting of Council, Standing Committee Reference Committee or Advisory Committee.
- 2.13 The Standing Committee and Reference Committees may direct staff as it relates to a request for further information without Council approval.
- 2.14 The Standing, Reference, Advisory and/or Special Committees of Council may refer or defer a matter without Council approval.
- 2.15 All meetings of City Council, Standing Committee Reference Committees and Advisory Committees shall be held in public except when considering items in accordance with the criteria for a closed meeting as established by Section 239 of the Municipal Act.
- 2.16 A meeting of City Council, Standing Committee, Reference Committee and/or an Advisory Committee shall be permitted to be held at any facility, whether or not the facility is City-owned or operated or located within the municipal boundaries, subject to the following:
- a) Access to the facility or portion of the facility to be utilized is open to the public;
  - b) Individuals attending the meeting, including but not limited to members of the public, shall not be required to pay a fee for entrance into the facility and/or meeting room;
  - c) The facility and meeting room shall meet accessibility requirements as per the applicable legislation in force and effect at the time of the calling of the meeting;
  - d) Any meeting held outside of the municipality, shall be held within a municipality with boundaries abutting those of the City of Barrie; and
  - e) The location of the facility, including street address as well as meeting room name or number, shall be included on the notice of meeting or agenda.

- 2.17 The Mayor shall be ex-officio, a member of all Committees of Council and shall be Chairman of the Standing Committee.
- 2.18 No meeting of Council, Standing Committee, Reference Committee or Advisory Committee shall continue past 11:00 p.m. unless one additional hour is approved by a majority of its members.
- 2.19 It shall be the responsibility of the Clerk or the Clerk's representative to forward all notices and agenda for Council, Standing and Reference Committee meetings.

### **3. SPECIAL MEETINGS**

- 3.1 The Mayor at any time may summon a special meeting of the Council and it shall be the Mayor's duty to summon a special meeting whenever so requested in writing by a majority of the members of Council.
- 3.2 Except in the case of a disaster or emergency as defined in the City of Barrie's Emergency Management By-law, as amended from time to time, twenty-four hours notice shall be given for all special meetings of Council. The notice calling a special meeting of the Council shall state the business to be considered at the special meeting and no business other than that stated in the notice shall be considered at such meeting.
- 3.3 Notwithstanding the provisions of Section 3.1, the Clerk shall, upon receipt of a petition signed by a majority of the members of Council, summon a special meeting for the purpose and at the time mentioned in the petition.
- 3.4 Notwithstanding Sections 3.1 and 3.3 of this By-law if either the Mayor or the Clerk is satisfied that circumstances will not enable meetings of the Standing Committee to be duly held at the dates and times therefore as determined pursuant this By-law, either the Mayor or the Clerk may summon a special meeting of the Council, for which at least forty-eight hours notice shall be given and which notice shall:
- a) state that the special meeting is being called to enable Council, in Committee of the Whole, to consider and report on current matters which would otherwise have come before the Standing Committee, and
  - b) have attached thereto details of such matters in substantially the same form and content as normally presented to the Standing Committee.
- 3.5 Notwithstanding Section 9 of this By-law but otherwise subject to this By-law, procedure at a special meeting so summoned shall be as follows:
- (a) Council shall go into Committee of the Whole to consider only the current matters which would otherwise have come before the Standing Committee for report thereon to the next regular meeting of Council;
  - (b) the matters so considered shall be reported out of the Committee of the Whole to such special meeting of the Council only as recommendations of the Committee of the Whole as and for reports of the Standing Committee for the consideration of the Council at its next regular meeting, and such recommendations shall be set out numerically in sequence for convenience of recording reference to the Standing Committee and the matters related thereto.

- 3.6 A special meeting called in the case of a disaster or emergency as defined in the City of Barrie's Emergency Management By-law, shall be permitted to be held at any facility, whether or not the facility is City-owned or operated or located within the municipal boundaries, subject to the following:
- a) The location of the facility, including street address as well as meeting room name or number, shall be included on the notice of meeting or agenda; and
  - b) Where feasible,
    - i) Access to the facility or portion of the facility to be utilized is open to the public;
    - ii) Individuals attending the meeting, including but not limited to members of the public, shall not be required to pay a fee for entrance into the facility; and
    - iii) The facility and meeting room shall meet accessibility requirements as per the applicable legislation in force and effect at the time of the calling of the meeting.
- 3.7. That in accordance with Section 238 (3.3) of the *Municipal Act, 1990* electronic participation by Council and its Committee shall be permitted in open and closed session, subject to the following:
- a) Members of Council and its Committees when participating in an electronic meeting shall count towards quorum;
  - b) Electronic Participation means, attendance at Council or its Committee meetings, using electronic formats including but not limited to, video or audio teleconference;
  - c) Only appointed members, staff and invited individuals or groups shall be permitted to participate electronically in Council or its Committee meetings;
  - d) Members of Council or its Committees participating electronically shall have the same rights and responsibilities as if the member was in physical attendance;
  - e) Notice of meetings held in accordance with this section shall advise how members of the public may observe the proceedings.

#### **4. COUNCIL**

##### Regular Meetings:

- 4.1 Regular meetings of Council shall be held on alternating Wednesdays at 7:00 p.m., except during July and August or when Monday of the week is a holiday, or when otherwise specified by resolution of the Council effective at the commencement of 2022-2026 Council Term.
- 4.2 As soon after the hour fixed for the meeting as there is a quorum present, the Mayor shall take the Chair and call the members to order.
- 4.3 In the case where the Mayor does not attend within fifteen minutes after the time appointed, the Deputy Mayor shall call the members to order and if a quorum is present, shall preside during the meeting or until the arrival of the Mayor. In the absence of the Mayor or Deputy Mayor, the Clerk shall be present and if a quorum is present, shall call the members to order. A Chairman shall be chosen from the members who shall preside during the meeting or until the arrival of the Mayor or Deputy Mayor.
- 4.4 While presiding, the Deputy Mayor and or the Chairman chosen by Council shall have all the powers of the Mayor and shall be entitled to vote as a member.

- 4.5 If there is no quorum within thirty minutes after the time appointed for the meeting, the Clerk shall call the roll and record the names of the members present and the meeting shall stand adjourned until the next regular meeting or until a special meeting is called.
- 4.6 The Mayor shall preserve order and decorum, decide questions of order (subject to an appeal to the Council by any member) and, without unnecessary comment, cite the rule or authority applicable to the case if called upon to do so.
- 4.7 The Clerk shall have prepared and printed for the use of members at the regular meeting of Council an agenda under the following headings:
1. Calling of the Council to Order
  2. Playing of the National Anthem
  3. Reading of Land Acknowledgment
  4. Student Mayor(s)
  5. Confirmation of The Minutes
  6. Awards and Recognition
  7. Reports from Officers
  8. Deputation(s) on Committee Reports
  9. Tax Applications
  10. Communications
  11. Committee Reports
  12. Deferred Business
  13. Direct Motions
  14. Presentations
  15. Enquiries
  16. Announcements
  17. By-laws
  18. Adjournment.
- 4.8 No member shall present any matter to the Council for its consideration unless:
- a) the matter appears on the agenda for that meeting of the Council, or
  - b) leave is granted to present the matter in accordance with the provisions of Section 7.1 hereof, or
  - c) it is in accordance with the provisions of Section 8.10 hereof.

- 4.9 The Minutes of the proceeding meeting shall be read, if required, by the Clerk, or so much thereof as may be required shall be so read in order that any mistake therein may be corrected by the Council and the Mayor shall forthwith, or after correction or change (if any) declare the Minutes adopted and shall sign the same.
- 4.10 The business of all meetings shall be taken up in the order in which it stands upon the agenda unless otherwise directed by Council.
- 4.11 The Council shall remain in session until all business on the agenda is disposed of until 11:00 p.m. unless one additional hour is approved by Council, or until a motion for the adjournment is approved.

#### Reports of Officers

- 4.12 To allow for Reports of Integrity Commissioner to be presented directly to City Council and that receipt and/or adoption of any recommendations from a Report from the Integrity Commissioner will be considered under Committee Reports on the City Council Agenda.

#### Deputations

- 4.13 a) Except as provided by law, a person who is not a member of Council shall not be allowed to address Council as a deputation except upon approval of Council. Any person desiring to provide a deputation shall submit a request in writing to the Clerk prior to the printing of the agenda of the meeting at which said person desires to be heard. The written request shall state the nature of the business to be discussed. Persons addressing Council shall confine their remarks to the stated business.
- b) Deputations may be provided in alternative formats including video conferencing, telephone and written submission at the discretion of the City Clerk in consultation with the Mayor.
- 4.14 A person wishing to address Council may speak, with the leave of Council for up to a maximum five minutes and successive extensions of five minutes may be granted.
- 4.15 A deputation shall be permitted in Council in support or opposition to a Standing Committee recommendation. A person may only speak once in support or opposition to a motion.
- 4.16 In the case of an emergency, a person wishing to address the Council concerning an item on the agenda may request an emergency deputation only the first time the matter is on a City Council agenda through the Clerk before the Council meeting begins. The Clerk will advise the Mayor of the request. Emergency deputations shall not be considered if a matter has been deferred to a further City Council meeting, or if the business of Council carries over to a further meeting.
- 4.17 When a request for an emergency deputation has been given to the Mayor by the Clerk, the Mayor will call for a vote of the Council to waive the rules for deputations to allow the person to speak and upon a majority vote in the affirmative the person will be permitted to address Council.

#### Awards and Recognition

- 4.18 A person may appear before the Council for the purpose of presenting or receiving a gift or recognition provided that the person or a representative of such person submits a request in writing to the Clerk describing the nature and purpose of the presentation.
- 4.19 The Council may for any reason deemed appropriate refuse to permit a presentation.



**Presentations**

- 4.20 a) A City staff member or representative of a Service Partner may deliver an informational presentation to Council concerning corporate projects, initiatives, programs or services and shall be scheduled by the City Clerk.
- b) Presentations by City staff members or representatives of a Service Partner may be provided in alternative formats including video conferencing, telephone and written submission at the discretion of the City Clerk in consultation with the Mayor.
- 4.21 a) A person or organization may deliver a public presentation to the Council concerning a community announcement or a community initiative, program or service upon approval of Council provided that a request has been submitted to the City Clerk for Council's consideration, no later than two weeks prior to the proposed presentation date.
- b) Presentations by a person or a representative of an organization may be provided in alternative formats including video conferencing, telephone and written submission at the discretion of the City Clerk in consultation with the Mayor.
- 4.22 A maximum of three (3) presentations will be permitted at each meeting.
- 4.23 A maximum of ten (10) minutes shall be permitted for each presentation.
- 4.24 Following each presentation, Members of Council may ask questions of the presenter.

**5. CONDUCT OF MEMBERS IN COUNCIL**

- 5.1 No member shall:
- a) speak disrespectfully of the Reigning Sovereign or of any of the Royal Family, or of the Governor General, the Lieutenant-Governor of any Province, or any person administering the Government of Canada or the Province of Ontario;
- b) use offensive words or unparliamentary language in or against the Council or against any member;
- c) speak on any subject other than the subject in debate;
- d) criticize any decision of the Council except for the purpose of moving in accordance with the provisions of Section 8.15 that the question be reconsidered;
- e) disobey the Rules of Council, or a decision of the Mayor or of the Council on questions of order or practice or upon the interpretation of the rules of the Council; and in the case where a member persists in any such disobedience after having been called to order by the Mayor, the Mayor shall forthwith put the question, no amendment, adjournment or debate being allowed, "that such member be ordered to leave his/her seat for the duration of the meeting of Council", but if the member apologized he/she may, by vote of the Council be permitted to retake his/her seat.
- 5.2 No person except members of Council shall be permitted within the enclosure occupied by the Council except he/she be a member of the staff of the City, unless by permission or invitation of the Mayor.
- 5.3 That during in-camera sessions, members of Council shall not message, email, or communicate by electron means or use any device that records audio and/video with anyone unless explicitly permitted by the Mayor and/or City Clerk at the time.

## **6. RULES OF DEBATE IN COUNCIL**

- 6.1 The Mayor may take part in any debate without leaving the Chair. If the Mayor desires to introduce a motion or by-law, the Mayor shall leave the Chair for that purpose and shall call on another member of the Council to fill his place until he resumes the Chair.
- 6.2 Every member when speaking to any questions or motion shall respectfully address the Mayor or other Presiding Officer.
- 6.3 When two or more members request to speak, the Mayor shall designate the member who has the floor.
- 6.4 When a member is speaking, no other member shall pass between the Mayor and the Chair, or interrupt the Mayor except to raise a point of order.
- 6.5 Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.
- 6.6 No member shall speak more than once to a motion or to the same question or in reply for longer than five minutes. With the leave of Council, successive extensions of five minutes may be granted.
- 6.7 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 thereof.
- 6.8 All questions shall be stated succinctly and questions shall not be used as a means of making statements or assertions.
- 6.9 Questions may be asked only of the Chairman or through the Chairman of
  - a) the previous speaker,
  - b) the mover of the motion,
  - c) an official of the City,
  - d) Chairman of a Committee.
- 6.10 Enquiries from members may be made through the Chair with preference given to those submitted in writing on the agenda. The time period for enquiries shall not exceed thirty minutes.

## **7. MOTIONS**

- 7.1 Any motion may be introduced at a regular Council meeting without notice if the Council, without debate, dispenses with notice on the affirmative vote of at least two-thirds of the members present and voting.
- 7.2 All motions shall be seconded before being debated or put from the Chair. When a motion is seconded, it shall be read or stated by the Mayor before debate.
- 7.3 Whenever the Mayor is of the opinion that a motion is contrary to the rules and privileges of the Council, the Mayor shall apprise the members thereof immediately before putting the question, and shall cite the rule or authority applicable to the case without argument or comment.
- 7.4 A motion in respect to a matter which is ultra vires the jurisdiction of the Council shall not be in order except a matter which in the opinion of the majority of Council, the question of their opinion to be decided without debate, has to do with the welfare of the citizens generally.

- 7.5 A consider motion shall always be in order and is not debatable but any member may ask questions of the mover for clarification but not so as to debate the motion.
- 7.6 After a motion is read or stated by the Mayor it shall be deemed to be in possession of the Council but may with the permission of the Council be withdrawn at any time before decision or amendment.
- 7.7 Subject to 8.13, when a motion is under debate, no motion shall be received other than a motion to amend, to defer action, to refer, that the vote now be taken or to adjourn the meeting. A motion that the vote be now taken shall take precedence over any other motion except a motion to adjourn the meeting, and, subject to 8.12, shall be put immediately without debate.
- 7.8 A motion to adjourn the Council shall be decided without debate and shall always be in order except:
- a) when a member is in possession of the floor;
  - b) when a recorded vote has been called;
  - c) when the members are voting;
  - d) when it has been decided that the vote be now taken; or
  - e) when a member has indicated to the Mayor his/her desire to speak on the matter before the Council.
- 7.9 Every amendment shall be presented in writing.
- 7.10 Only one amendment shall be allowed to an amendment and any further amendment must be to the main question.
- 7.11 An amendment which is ruled by the Mayor to be a substantive motion and not an amendment shall be out of order, unless the decision or ruling by the Mayor is appealed in accordance with Section 7.13.
- 7.12 An amendment which in effect is nothing more than a rejection of the motion is not in order.
- 7.13 The Mayor shall preserve order and decide questions of order.
- a) When a member rises to a point of order, he/she shall ask leave of the Mayor to raise a point of order and after leave is granted, he/she shall state the point or order to the Mayor and sit down and remain seated until the Mayor has stated and decided the point of order.
  - b) Thereafter, for the purpose of this section, a member shall only address the Chair for the purpose of appealing to the Council from the Mayor's decision.
  - c) If no member appeals, the decision of the Mayor shall be final.
  - d) The Council, if appealed to, shall decide the question without debate and its decision shall be final.
- 7.14 Where a member considers that his/her integrity or the integrity of the Council as a whole has been challenged, the member may as a matter of personal privilege rise at any time, with the consent of the Mayor, for the purpose of drawing the attention of the Council to the matter.

**8. VOTING ON QUESTIONS**

- 8.1 When the Mayor calls for the vote on a question, each member shall occupy his/her seat and shall remain there until the result of the vote has been declared by the Mayor, and during such time no member shall walk across the room or speak to any other member or make any noise or disturbance.
- 8.2 When a vote is taken, the order of the vote shall be as follows:
- a) to defer consideration of the motion;
  - b) upon the amendments in the reverse order of presentation, dealing with an amendment to an amendment immediately before the amendment it proposes to amend;
  - c) then, upon the motion or upon the motion as amended, if any amendments have been carried.
- 8.3 If a member who has voted on a question disagrees with the declaration of the Mayor that the question is carried, or lost, he/she may, but only immediately after the declaration by the Mayor, object to the Mayor's declaration and require a recorded vote to be taken in the manner prescribed in Section 8.4 of this By-law.
- 8.4 When a recorded vote is requested by a member or is otherwise required, the Clerk shall ask those present to indicate their votes on the motion by spoken word in the affirmative or in the negative. The Clerk shall record the name and vote of every member and shall report the result of the vote to the Mayor.
- 8.5 Subject to Section 8.13, every member present at a meeting of the Council when a question is put shall vote thereon, except if he/she has any pecuniary interest, direct or indirect in the question and he/she shall at the first opportunity disclose his/her interest and shall refrain from taking part of the discussion and from voting on the particular question. Should a member entitled to vote not vote thereon, the member shall be deemed to be voting in the negative and it shall be so recorded.
- 8.6 The Mayor (except when disqualified by conflict of interest or otherwise) is entitled to vote with the Members on all questions.
- 8.7 Any question on which there is an equality of votes shall be deemed in the negative.
- 8.8 When the question under consideration contains distinct propositions, upon the request of any member, the vote upon each proposition shall be taken separately.
- 8.9 After a question is finally put by the Mayor, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared.
- 8.10 The following matters may be introduced orally without written notice and without leave:
- a) a point of order or personal privilege;
  - b) a motion to suspend a rule of procedure or in compliance with a rule of procedure;
  - c) a motion to adjourn;
  - d) a motion that the vote now be taken (previous questions);
  - e) a motion that the Council resolve itself into a Committee of the Whole (not debatable);

f) a consider motion.

8.11 Except as provided in Section 8.10 above, all motions and notices thereof shall be in writing.

8.12 A motion for the previous question shall not be put until all speakers listed by the Chair have spoken and the mover has replied.

#### Tabling

8.13 When any report, by-law or motion or portion thereof which has been introduced to Council for the first time, is formally objected to by more than three members, the Clerk shall, upon request, record the names of the members so objecting and such report, by-law or motion shall, upon request, be laid on the table until the next regular meeting or special meeting if called for that purpose, of the Council, and it shall then be taken up and disposed of as deferred business.

8.14 The mover and seconder together of any motion may request that their motion be laid on the table until the next regular meeting or special meeting if called for that purpose, of the Council, and it shall then be taken up and disposed of as deferred business.

#### Reconsideration of Council decisions

8.15 No question after it has been decided by the Council shall be reconsidered for a six month period subject to the following conditions:

a) After any question has been decided, any member may at a future meeting of Council, move or give notice for reconsideration of the matter provided a majority of the Council members present approve.

b) No discussion of the main question shall be allowed until the motion for reconsideration is carried.

8.16 Section 8.15 shall not apply to a reconsideration related to a decision or request of the Local Planning Appeal Tribunal.

### **9. PROCEEDINGS IN COMMITTEE OF THE WHOLE**

9.1 The Committee of the Whole may by resolution close a meeting to members of the public if the subject matter to be considered is in accordance with Section 239 of the Municipal Act.

9.2 Whenever the Council resolves itself into Committee of the Whole, the Mayor shall continue as Chairman of the Committee of the Whole.

9.3 The Chairman of the Committee of the Whole may appoint another member of the Committee to act as the Chairman of the Committee while the chairman is temporarily absent from the meeting.

9.4 The majority of the members of Council shall constitute a quorum of the Committee of the Whole.

9.5 No Bill or Report of a Committee shall be referred to the Committee of the Whole unless such Bill or Report has been previously presented and placed in the hands of the members.

9.6 The Chairman of the Committee of the Whole shall maintain order in the Committee and report the proceedings to the Council.

9.7 The Chairman of the Committee of the Whole shall have all the powers and duties of the Mayor with the following exception: "an appeal from the ruling of the Chairman of the Committee of the Whole shall be to the Mayor in Council".

9.8 The rules governing the procedure of the Council and the conduct of members in Council shall be observed in Committee of the Whole so far as they are applicable, provided that:

- a) a motion shall not be required to be seconded;
- b) no vote shall be recorded;
- c) no member shall speak more than once until every member who desires to speak shall have spoken;
- d) if a member disobeys the decision of the Chairman of the Committee of the whole on questions or order or practice or upon the interpretation of the rules of council, and persists in such disobedience after having been called to order by the said Chairman, the said Chairman shall forthwith suspend the proceedings of the Committee of the whole and report the circumstances to the Council, and the Mayor shall forthwith put the question, no amendment, adjournment or debate being allowed "that such member be ordered to leave his/her seat for the duration of the meeting", but if the member apologize he may, by vote of Council, be permitted to retake his/her seat.

9.9 The Chairman of the Committee of the Whole shall be entitled to one vote as a member of the Committee, but shall not be entitled to a second or a casting vote in the event of an equality of votes, and, if there is an equality of votes on any motion, it shall be deemed to be lost.

9.10 A motion in Committee of the Whole:

- a) to rise and report, shall be decided without debate;
- b) to rise without report, shall always be in order and shall take precedence over any other motion, and if carried the subject referred to the Committee shall be deemed to have been disposed of in the negative, subject, however, to its reconsideration as provided by Section 8.15.

9.11 After Committee of the Whole has proceeded in accordance with Section 9.10 (a) or (b) above, the Mayor shall resume the Chair in Council and proceed with the next order of business.

## **10 READINGS OF BY-LAWS AND PROCEEDINGS THEREON**

10.1 Every Bill shall be introduced by a member upon motion, for leave, specifying the number of the bill listed on the agenda.

10.2 Every Bill shall be read a first, second and third time, subject to a two-thirds vote. If the required two-thirds vote is not received, the Bill shall stand for third reading at the next regular meeting of the Council.

10.3 All amendments to any Bill approved by the Council shall be deemed to be incorporated into the bill and if the bill is enacted and passed by the Council, the amendments shall be inserted therein by the Clerk.

10.4 The Clerk shall endorse on all by-laws read in the Council the dates of the several readings thereof, and shall be responsible for the corrections of such by-laws should they be amended.

## **11. CONFIRMATION BY-LAWS**

11.1 There shall be enacted a by-law at the end of each Council meeting to confirm, by by-law, each recommendation contained in a Report of the Standing Committee of Council, and in respect of

each Motion, Resolution, and other actions passed and taken by the Council at the meeting, subject to the prior approval of the Ontario Municipal Board or any other body or agency where required.

11.2 The procedure for the enactment of a confirmation by-law shall be in accordance with Section 10.

**12. STANDING COMMITTEE(S) - GENERAL COMMITTEE AND PLANNING COMMITTEE**

12.1 The Standing Committee of Council shall be:

a) General Committee

12.2 The number of members of the Standing Committees shall be equal to the number of members of Council.

12.3 Regular meetings of Council shall be held on alternating Wednesdays at 7:00 p.m., except during July and August or when Monday of the week is a holiday, or when otherwise specified by resolution of the Council effective at the commencement of 2022-2026 Council Term.

12.4 The Order for the day for General Committee shall be:

a) Consent Agenda

b) Public Meeting(s)

c) Presentations by Staff/Officers/Agents of the Corporation

d) Deferred Business

e) Reports of Reference, Advisory or Special Committees

f) Staff Report(s)

g) Reports of Officers of the Corporation

h) Item(s) For Discussion

i) Information Items

j) Enquires

k) Announcements

l) Adjournment.

12.5 A City staff member, Officer or agent of the Corporation may appear before General Committee for the purpose of providing an informational presentation concerning corporate projects, initiatives, programs or services and shall be scheduled by the City Clerk.

12.6 The general duties of the Standing Committee of the Council shall be as follows:

a) to report to the Council, whenever desired by the Council, and as often as the interests of the Corporation may require, on all matters connected with the duties imposed on it, and to recommend such action by the Council in relation thereto as may be deemed necessary;

b) to consider and report on any and all matters referred to it by the Council or the Mayor and any such report shall be signed by the Chairman;

- c) to adhere in the transaction of all business to the rules prescribed by the by-laws of the Council;
  - d) whenever, at the conclusion of the last meeting, there is any undisposed of matter on the agenda, to forward such matter to the incoming Committee of the following year for consideration;
  - e) the Council may refer back to any Committee any report in whole or in part of any question or matter for reconsideration.
  - f) to study and report back to Council on all matters that are:
    - i) referred to it by the Council;
    - ii) brought to it by a Reference, Special or Advisory Committee; or
    - iii) brought to it by a member of Council or City staff.
- 12.7 a) A City staff member, Officer or agent of the Corporation may deliver an informational presentation to a Standing Committee concerning corporate projects, initiatives, programs or services and shall be scheduled by the City Clerk.
- b) Presentations delivered to a Standing Committee may be provided in alternative formats including video conferencing, telephone and written submission at the discretion of the City Clerk in consultation with the Mayor.

**13. APPOINTMENT AND ORGANIZATION OF REFERENCE, SPECIAL AND ADVISORY COMMITTEES**

- 13.1 In the first year of the new term, the Standing Committee, shall review applications and make recommendations to Council for the appointment of Reference Committees and Advisory Committees of Council and to recommend the appointment of members to the various boards and committees which are required to be made.
- 13.2 The Chairman of each Reference Committee shall be appointed by the Mayor at the same time as the members are appointed, and no member shall be appointed as Chairman of more than one Reference Committee.
- 13.3 The Standing Committee shall consider appointments and re-appointments to Reference and Advisory Committees of Council and various Boards and Committees as required throughout the term of Council.
- 13.4 The Standing Committee's recommendation of an appointee(s) shall be included in the open (public) portion of the General Committee Report.
- 13.5 When the chair of an Advisory Committee is a member of Council and the member of Council is replaced on the committee by a different member of Council, the replacing member of Council shall become the Chair of the advisory committee.
- 13.6 The number, composition and duties of the Reference Committees shall be established in accordance with Schedule "A" of this By-law.
- 13.7 The number, composition and duties of the Special and Advisory Committees shall be established in accordance with Schedule "B" of this By-law.



**14. REGULATIONS FOR CONDUCTING BUSINESS IN COMMITTEES**

- 14.1 The business of the respective Standing, Reference, Advisory and Special Committees shall be conducted under the rules governing procedure prescribed by this By-law so far as they are applicable provided that :
- a) a motion shall not be required to be seconded;
  - b) no member shall speak more than once until every member who desires to speak shall have spoken; and
  - c) if a member disobeys the decision of the Chairman of the Committee on questions or order or practice or upon the interpretation of the rules of council, and persists in such disobedience after having been called to order by the said Chairman, the said Chairman shall forthwith suspend the proceedings of the Committee, and the Chairman shall forthwith put the question, no amendment, adjournment or debate being allowed "that such member be ordered to leave his/her seat for the duration of the meeting", but if the member apologize he may, by vote of the Committee, be permitted to retake his/her seat.
- 14.2 The dates and times of all Reference Committee meetings shall be determined by the members thereof immediately after organization.
- 14.3 Special meetings of Committees may be called by the Chairman, through the Clerk, whenever the chairman shall consider them necessary, and it shall be the duty of the Chairman, or, in the case of his/her illness or absence, its shall be the duty of the Clerk to summon a special meeting of a Committee, whenever requested in writing to do so by a majority of its members.
- 14.4 A Reference Committee may consider new business that has not been referred to it by Council if the subject of the business falls within the duties of the Committee as identified in Schedule "A".
- 14.5 The meetings of any of the Committees of Council may be attended by other members of the Council and such members may take part in any discussion or debate, but such members shall not be allowed to vote.
- 14.6 The agenda for each Council, Standing Committee, Reference Committee and Advisory Committee meeting and copies of all original material circulated to members of any Committee shall be circulated to all members of City Council.
- 14.7 A Special or Advisory Committee may be appointed by Council to consider a specific matter.
- 14.8 Any member who introduces a bill, petition or motion upon any subject which has been referred to a Special Committee, shall be a member of such Committee.
- 14.9 Subject to the provisions of this By-law and any applicable statute, meetings or parts of meetings may be held in closed session, on a vote of the members.
- 14.10 When a point of order is raised or when a member is called to order in Committee, the same procedure shall be adopted as in Council except that the question shall be decided by the Committee Chairman subject to an appeal to the members of the Committee.
- 14.11 The Committee Chairman, or in his/her absence such other member of Committee as may be chosen by the Committee, shall preside at every meeting and may vote on all questions submitted, and in case of a division, the Committee Chairman shall not have an extra or casting vote and the question shall be deemed to have been decided in the negative.

**15. PENDING LIST**

- 15.1 The Clerk shall maintain a pending list which lists the incomplete items for each Reference Committee. Once completed the item will be deleted from the pending list.
- 15.2 The Clerk shall maintain for each department, a pending list itemizing staff reports requested by Council but not yet completed. Outstanding staff reports will remain on the department pending list which shall be monitored by the Chief Administrative Officer. Once completed the item will be deleted from the pending list.
- 15.3 The Clerk shall maintain pending lists in a similar fashion for each Special or Advisory Committee that reports directly to the Standing Committee of Council. However, such pending list shall be monitored by the Standing Committee.

**16. AMENDMENTS**

- 16.1 No amendments or repeal of this By-law shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal was given at a previous regular meeting of the Council and the Council may not waive such notice.
- 16.2 No rule of this Council shall be rescinded, amended, or suspended without the consent of two-thirds of the members present.

**17. ITEMS FOR DISCUSSION (S)**

- 17.1 That Items for Discussion be considered at the appropriate Reference Committee.
- 17.2 If an Item for Discussion is deemed urgent, the Clerk will consult with the Mayor on alternatives to bring the matter forward.
- 17.3 That all Items for Discussion that are ratified by City Council be listed on the City's website."

**18. REPEAL OF PREVIOUS BY-LAWS**

- 18.1. By-law 2013-072 as amended, be and is hereby repealed.

**19. FORCE AND EFFECT**

- 19.1 **THAT** this by-law shall come into force and have effect immediately upon the final passing thereof.

**READ** a first and second time this 25<sup>th</sup> day of November, 2019.

**READ** a third time and finally passed this 25<sup>th</sup> day of November, 2019.

**THE CORPORATION OF THE CITY OF BARRIE**

**"ORIGINAL SIGNED"**

\_\_\_\_\_  
**MAYOR – J. R. LEHMAN**

**"ORIGINAL SIGNED"**

\_\_\_\_\_  
**CITY CLERK – WENDY COOKE**

**SCHEDULE “A”  
REFERENCE COMMITTEES**

1. The general duties of all the Reference Committees of the Council shall be as follows:
  - a) To report to the Standing Committee whenever desired by the Standing Committee, and as often as the interests of the Corporation may require, on all matters connected with the duties imposed on them respectively, and to recommend such action by the Standing Committee in relation thereto as may be deemed necessary;
2. The Reference Committees of Council shall be:
  - a) Affordability Committee;
  - b: Community Safety Committee;
  - c) Infrastructure and Community Investment Committee; and
  - b) Finance and Responsible Governance Committee
3. In addition to the Mayor and Deputy Mayor being ex-officio members of all the Reference Committees, the number of members of the Reference Committee shall be as follows:
  - a) Affordability Committee minimum two
  - b) Community Safety Committee minimum two
  - c) Infrastructure and Community Investment Committee minimum three
  - d) Finance and Responsible Governance Committee minimum two

A Reference Committee ex-officio member counts towards quorum if quorum of the membership is not present.

Quorum will be adjusted when a member of Committee is on leave of absence, resigns or becomes ineligible and a temporary replacement is not appointed.

Members who are absent for three (3) consecutive meetings without permission from of the Committee shall be removed from the Committee membership.

**Mandates:**

4. **Affordability Committee:**
  - a) **The Strategic Vision:**
    - Encourage a range of housing options to make housing attainable
    - Open for business environment to help encourage job creation
    - Develop and attract talent to support our employers

- b) The duties of the Affordability Committee shall be to study and report to the General Committee on matters referred to within the following subjects:

Development matters including land and property development and use, street names, building standards, zoning, plumbing and building inspections, planning services (policy planning, development control, growth management, development policies and standards, housing policy, subdivision services, and heritage properties), City Centre revitalization, Business Development – retention, attraction, business licensing

5. **Community Safety Committee:**

- a) **The Strategic vision:**

- Support neighbourhood safety and crime prevention
- Address speeding and aggressive driving to ensure street and pedestrian safety
- Work with our partners to implement the community safety and well-being plan
- Support community-based policing initiatives
- Create and foster programs and opportunities to support community wellness

- b) The duties of the Community Safety Committee shall be to study and report to the General Committee on matters referred to within the following subjects:

Fire prevention, operations and training, community emergency management, recreation, seniors, youth, by-law enforcement services, parking operations, property standards, creative economy, health and wellness and City Centre Revitalization.

6. **Infrastructure and Community Investment Committee:**

- a) **The Strategic vision:**

- Make it easier to move around the city
- Fix roads that need attention
- Update and improve infrastructure
- Support active transportation and pedestrian connections
- Implement climate action plans
- Foster growth in arts and culture
- Expand and maximize access to parks and recreation opportunities
- Continue to support a vibrant downtown

- b) The duties of the Infrastructure and Community Investment Committee shall be to study and report to the General Committee on matters referred to within the following subjects:

Corporate facility management, parks operations, environmental (water supply, treatment and distribution, wastewater collection and treatment, environmental investigation and response and waste management), and transportation services, and transportation (roads maintenance, traffic management, transit operations, rail, and airport services), Infrastructure planning, design, and construction (roads, water, sanitary and storm sewers).

7. **Finance and Responsible Governance Committee:**

- a) **The Strategic vision:**

- Support the services our community needs while keeping tax increases low
- Maintain focus on city core services
- Financial stewardship which includes finding efficiencies and innovation
- Advocating to other levels of government for support
- Ensure accountability and transparency
- Champion equity, diversity, and inclusion

- b) The duties of the Finance and Responsible Governance Committee shall be to study and report to the General Committee on matters referred to within the following subjects:

Corporate sustaining matters including financial (capital and operating budgets, revenue and taxation, financial policies, procurement and audit functions), internal audit, legal, real estate, risk management, information technology, legislative, court, human resources, Intergovernmental, Service and Community Partner relations, history, archives, customer service, communications.

### **Conduct of Reference Committees**

8. The Reference Committee shall consider and make recommendations to the appropriate Standing Committee on the reports of the Advisory Committees. When considering the reports and recommendations of an Advisory Committee, the Reference Committee may receive and make recommendations to the Standing Committee as to the disposition of such matters as are contained therein provided that such minutes and recommendations are attached as an appendix to the original minutes of the Reference Committee.
9. A Reference Committee may, in consideration of a matter before it, request a reasonable amount of information from staff, authorized consultants or Advisory Committees, but may not specify what recommendations, if any, they are to make.
10. A Reference Committee shall adhere, in the transaction of all business to the rules prescribed by the by-laws of the Council.
11. Whenever, at the conclusion of the last meeting, there is any undisposed of matter on the agenda, to forward such matter to the incoming Committee of the following year for consideration.
12. A Reference Committee may refer or defer a matter without Council approval.
13. A Reference Committee may direct staff as it relates to a request for further information without Council approval.
14. A Reference Committee may consider new business that has not been referred to it by Council if the subject of the business falls within its associated mandate and the Terms of Reference approved by Council.
15. Neither the Committee nor any member thereof shall pledge the credit of the City in any manner whatsoever, nor shall the Committee or any member thereof authorize any expenditure nor appropriate or expend public monies in any manner unless authorized by Council.

### **Open Delegations**

14.
  - a) Persons who wish to provide an Open Delegation at a Reference Committee shall submit a request to the Clerk in writing for approval, no later than two weeks prior to the proposed Reference Committee meeting, identifying their name and the matter to be discussed.
  - b) Open Delegations provided to a Standing Committee may be provided in alternative formats including video conferencing, telephone and written submission at the discretion of the City Clerk in consultation with the Chair.
15. An Open Delegation shall be restricted to a single subject matter.
16. The subject matter of a delegation shall be of a community interest and shall not utilize the delegation opportunity to promote a specific business.

17. A person addressing a Reference Committee shall not utilize profane or offensive words or insulting expressions and shall not impugn the reputation of any individual or member.
18. The City Clerk shall be authorized to refuse an Open Delegation request where the topic of the Open Delegation relates to:
  - a) A subject matter that Section 239 of the *Municipal Act, 2001*, permits a meeting or part of a meeting to be closed to the public;
  - b) Promotes a specific business;
  - c) Is not of community interest;
  - d) Is not within the jurisdiction of City Council; or
  - e) May impugn the reputation of any individual or member.
19. Notwithstanding the provisions related to the timing of submissions of Open Delegation and the authority to refuse an Open Delegation related to a subject matter that Section 239 of the *Municipal Act* permits a meeting or part of a meeting to be closed to the public (closed delegation), an individual may submit a request to the Reference Committee for an opportunity to provide information to the Reference Committee in a meeting or portion of a meeting that is closed to the public. Such request may be submitted at the start of the meeting. The decision to hear from an individual regarding a matter in a closed session, shall be subject to the topic adhering to the criteria for a closed meeting under Section 239 of the *Municipal Act, 2001*, majority approval of a motion or resolution to hold the closed session and the resolution stating the general nature of the matter to be considered in the closed session.
20. A maximum of four (4) delegations will be permitted at each meeting and delegations shall be scheduled in consultation with the Chair of the appropriate Reference Committee, with due consideration to the date and time of the submission of the delegations request.
21. A person shall only be entitled to appear as a delegation, a maximum of one (1) time every three (3) months.
22. A maximum of five (5) minutes shall be permitted for each delegation and each delegation shall only be permitted to speak to the matter listed on their delegation request.
23. Following each delegation, Members of Committee may ask questions of the delegate.

**SCHEDULE “B”  
SPECIAL AND ADVISORY COMMITTEES**

**MANDATE AND DUTIES OF SPECIAL AND ADVISORY COMMITTEES**

**1. Active Transportation and Sustainability Advisory Committee**

To provide advice and perspectives associated with policies, programs and facilities, while promoting the following:

- a) A safe, convenient, sustainable and accessible active transportation system; and
- b) A sustainable, efficient, healthy and resilient environment and community.

**3. Arts Advisory Committee**

To advise City Council and staff on all matters regarding the arts and culture in the City of Barrie.

**4. Communities in Bloom Committee**

To help facilitate the development of Barrie, in the Communities in Bloom National Municipal Beautification contest, with a focus on flowers, landscaping, gardens, beautification and environmental awareness.

**6. Heritage Barrie**

The Heritage Barrie Committee shall:

- Educate Council and build public awareness around cultural heritage preservation in the City – the what, when, why and how – by providing information about the preservation and conservation of heritage as well as information on listing properties on the Municipal Heritage Register;
- Advance heritage initiatives through a land use policy connection at both a neighbourhood and city-wide level (e.g. Community Improvement Plans);
- Establish criteria for evaluating the architectural or historical value of a property, and prepare and maintain a list of all properties worthy of pursuing conservation under the *OHA*;
- Keep up to date on all heritage conservation legislation and programs, and advise Council of any programs worthy of consideration by the City;
- Advise and assist Council on all matters relating to Part IV and V of the *OHA* and provide recommendations for designating heritage properties as per the *OHA*; and,
- Undertake the appropriate action items from the Cultural Heritage Strategy and the Historic Neighbourhood Strategy.

7. **International Relations Committee**

The mandate of the International Relations Committee is to coordinate and enhance the City of Barrie's relationships with international communities for the benefit of the social, economic, educational and cultural development of our citizens and our community. The specific objectives of the mandate are achieved through the work of the individual sub-committees.

8. **Investment Board**

The Investment Board is established as a City board, responsible to control and manage the City's investments pursuant to the Prudent Investment Standard and the Investment Policy Statement adopted by City Council.

The Board will adopt and follow an Investment Plan that implements the City's Investment Policy. The Investment Plan shall deal with how the Board will invest the City's money.

The Board may retain agents to act on its behalf pursuant to the requirements of the prudent investment standard.

9. **Municipal Elections Compliance Audit Committee**

The powers and functions of the Municipal Election Compliance Audit Committee are established in accordance with subsection 81 of the *Municipal Elections Act, 1996*.

10. **Order of the Spirit Catcher Award**

To review all nominations for the Order of the Spirit Catcher (adult, youth and senior) and determine the recipients of the Award, and the date at which the presentation to the recipients will be made at Council.

11. **Seniors and Accessibility Advisory Committee**

To represent and provide advice on Barrie seniors' perspectives on municipal matters;

a) To champion issues related to the provision of an accessible community on behalf of all Barrie's citizens.

b) To represent and provide advice on seniors' perspectives on municipal matters.

12. **Town and Gown Committee**

To develop and enhance relationships, communications, and policies between Georgian College students, the City and the community.

14. The Special and Advisory Committees listed below shall report as follows:

Committee	Reports To
Active Transportation and Sustainability Committee	Infrastructure and Community Investment Committee
Arts Advisory Committee	Infrastructure and Community Investment Committee
Communities in Bloom Committee	Infrastructure and Community Investment Committee
Heritage Barrie	Affordability Committee
International Relations Committee	Finance and Responsible Governance Committee
Investment Board	Finance and Responsible Governance Committee



Municipal Elections Compliance Audit Committee	General Committee
Order of the Spirit Catcher Award Committee	General Committee
Seniors and Accessibility Advisory Committee	Community Safety Committee
Town and Gown Committee	Community Safety Committee

15. A Member who is absent for three (3) consecutive meetings without permission from the Committee will be removed from the Committee.
16. Neither the Committee nor any member thereof shall pledge the credit of the City in any manner whatsoever, nor shall the Committee or any member thereof authorize any expenditure nor appropriate or expend public monies in any manner unless authorized by Council.
17. An Advisory Committee may consider a new business that has not been referred to it by Council if the subject of the business falls with the mandate as described and the Terms of Reference approved by Council.

**AMENDMENTS TO PROCEDURAL BY-LAW 2019-100**

By-law 2020-033	Section 3.7 Electronic Meetings during Emergencies	March 30, 2020
By-law 2020-037	Section 4.13, 4.20, 4.21, 12.7 and Schedule "A" - Section 14	April 27, 2020
By-law 2020-076	Section 3.7 and delete paragraph 3.7(f)	August 10, 2020
By-law 2021-026	Repeal and Replace Schedule "A"	March 22, 2021
By-law 2022-024	Repeal and Replace Schedule B	March 28, 2022
By-law 2022-070	Repealed and replaced Sections 4.1 and 12.3	June 27, 2022
By-law 2023-004	<ul style="list-style-type: none"><li>• Add Sections 1.2, 5.3 and 17;</li><li>• Delete Sections 12.1(b), 12.4 and 12.6; and</li><li>• Repeal and replace Schedule A and B</li></ul>	February 1, 2023