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THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 063-2015

A BY-LAW TO PROVIDE FOR THE RULES OF ORDER OF *COUNCIL* AND ITS *COMMITTEES*, AND TO REPEAL & REPLACE BY-LAW 138-2008 AS AMENDED

WHEREAS section 238, of the *Municipal Act, 2001* requires that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of *meetings* and that the by-law shall provide for public notice of meetings;

AND WHEREAS Council deems it desirable to repeal and replace By-Law 138-2008, as amended;

NOW THEREFORE THE *COUNCIL* OF THE CORPORATION OF THE TOWN OF MILTON HEREBY ENACTS AS FOLLOWS:

Short Title

This by-law shall be known as the Town of Milton Procedure By-Law.

PART 1 DEFINITIONS

In this by-law:

- 1.1 “*Acting Mayor* ” means a *member* who has been appointed by by-law, based on a monthly rotation, to act as the Mayor in his or her absence.
- 1.2 “*Clerk*” means the Town *Clerk* of The Corporation of the Town of Milton and/or designate.
- 1.3 “*Committee*” for the purposes of this by-law, *Committee*, unless referenced in association with local boards, means Committee of the Whole, a committee comprised of all *members* of *Council* where the decisions of the *Committee* do not represent the final decision of *Council* until confirmed by by-law or resolution of *Council*.
- 1.4 “*Confidential Session*” means a *meeting*, or portion thereof, closed to the public in accordance with this by-law and the *Municipal Act, 2001*.
- 1.5 “*Council*” means the *Council* of the Corporation of The Town of Milton.
- 1.6 “*Improper conduct*” means conduct that obstructs in any way the deliberations and/or proper action of *Council* or *Committee*.
- 1.7 “*Local board*” means a municipal service board, or any other board,

- commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of the Town, excluding a school board, a conservation authority, and a public library board.
- 1.8 “*Majority*” means a number greater than half of a total.
- 1.9 “*Mayor*” means the *Mayor* as the Head of *Council* of the Corporation of the Town of Milton, or the *Acting Mayor* if the *Mayor* is unable to act.
- 1.10 “*Meeting*” means any regular, special or other *meeting* of *Council* or *Committee*.
- 1.11 “*Member*” means a *member* of the *Council* of The Corporation of the Town of Milton.
- 1.12 “*Notice of motion*” means an advance notice to *members* of a matter on which *Council* will be asked to take a position.
- 1.13 “*Parties to a public hearing*” shall be the persons specified as parties by or under the statute under which the proceeding arises or, if not so specified, persons entitled by law to be parties to the proceeding.
- 1.14 “*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*.
- 1.15 “*Point of privilege*” means a matter that a *member* considers to question their integrity and/or the integrity of the *Council*.
- 1.16 “*Presiding Officer*” means the person presiding over a *meeting*, who may also be referred to as “Chair”.
- 1.17 “*Quorum*” is a *majority* of the total number of voting *members* currently on *Council* or *Committee*.
- 1.18 “*Recorded vote*” means documenting in the minutes of a *Council meeting* the name of each *member* and their vote on a matter or question, in favour, opposed, or absent.
- 1.19 “*Regular meeting*” means a scheduled *meeting* held in accordance with the approved calendar/schedule of *meetings*.
- 1.20 “*Rules of procedure*” means the rules and regulations provided in this by-law.

- 1.21 “*Special meeting*” means a *meeting* not scheduled in accordance with the approved calendar/schedule of *meetings*.
- 1.22 “*Special purpose committee*” means a committee established by *Council* to consider a specific matter which is disbanded once it has reported to *Council*.
- 1.23 “*Unfinished business*” means any matter listed in the *meeting agenda* which has not been dealt with by the adjournment hour.

PART 2 PRINCIPLES & APPLICATION

- 2.1** The following *members'* rights are the principles upon which the procedure by-law is based:
- a) the majority of *members* have the right to decide;
 - b) the minority of *members* have the right to be heard;
 - c) all *members* have the right to information to help make decisions, unless otherwise prevented by law;
 - d) *Members* have a right to an efficient meeting;
 - e) all *members* have the right to be treated with respect and courtesy; and
 - f) all *members* have equal rights, privileges and obligations.

2.2 Application

- 2.2.1 The *rules of procedure* established in this by-law shall be observed in all proceedings of *Council* and *Committee* and shall be the rules for the order and conduct for the dispatch of business in *Council* and *Committee*.
- 2.2.2 Notwithstanding subsection 2.2.1, the rules and regulations contained in this by-law may be suspended by *Council* or *Committee* on a single occasion by a vote of two-thirds of the entire Council or Committee, provided the suspension does not contravene the requirements of the *Municipal Act, 2001* or any other statute.
- 2.2.3 In the absence of adopted customized rules of procedure, all advisory, special purpose or sub-committees and *local boards* under the jurisdiction of the Town of Milton may use the rules of order and debate and relevant provisions of this by-law to govern the calling and proceedings of meetings.
- 2.2.4 The *Clerk* shall be responsible to interpret the rules of procedure under this by-law which shall be interpreted in accordance with the principles set out in section 2.1.
- 2.2.5 All points of order or procedure for which rules have not been provided in this by-law and its appendices shall be decided by the *Presiding Officer* in accordance, as far as is reasonably practicable, with the rules of parliamentary procedure as contained in Robert's Rules of Order.

PART 3 DUTIES & ROLES

3.1 Mayor

3.1.1 It is the duty of the *Mayor* to:

- a) carry out the responsibilities of his or her roles as described in the *Municipal Act, 2001*;
- b) represent and support the *Council* and its decisions in all matters;
- c) preside over all *Council* meetings, unless unavailable, in which case the *Acting Mayor* shall be the *Presiding Officer*;

3.1.2 Only the elected *Mayor* shall wear the Chain of Office save and except if the *Mayor* resigns his office and *Council* appoints a new *Mayor* from its own ranks.

3.2 Members

3.2.1 It is the duty of *members* to:

- a) carry out the responsibilities of the role of *Council* as described in the *Municipal Act, 2001* and any other Act;
- b) uphold the by-laws and policies of the Corporation of the Town of Milton;
- c) deliberate on the business submitted to *Council*;
- d) vote on all motions before *Council* unless prohibited from voting by law;
- e) observe the *rules of procedure* at all meetings.

3.3 Presiding Officer

3.3.1 The *Mayor* shall be the *Presiding Officer* at all *Council* meetings, unless unavailable, in which case the *Acting Mayor* shall be the *Presiding Officer at Council*.

3.3.2 The *Presiding Officer at Committee meetings* shall be based on a rotation of the *members* who have identified their interest in serving in the position.

3.3.2.1 Notwithstanding Section 3.3.2, *Council* shall appoint a *Presiding Officer* to preside at annual budget meetings for each term of Council. (Amended by By-law 080-2017)

3.3.3 It is the duty of the *Presiding Officer* to:

- a) open the *meeting* by taking the Chair, calling the *members* to order and announcing the business before the assembly and the order in which it is to be acted upon;
- b) ensure that all items of business listed on the agenda are addressed and that the *meeting* progresses with due efficiency;
- c) protect all rights of those attending the *meeting*;
- d) receive and put to a vote in the proper manner all motions presented and to announce the result;
- e) decline to put to vote motions which infringe upon the rules of order or are beyond the jurisdiction of the assembly;
- f) preserve and enforce the rules of order
- g) rule on any points of order raised by *members*;
- h) ensure the *members* abide by the rules of order when engaged in debate;
- i) call by name any *member* persisting in breaching the rules of order, thereby ordering such *member* to vacate the *meeting* place;
- j) expel or exclude from any *meeting* any person who is guilty of *improper conduct* at the *meeting*;
- k) receive all messages and other communications and announce them to *Council or Committee* if necessary;
- l) authenticate by signature when necessary all resolutions, by-laws and minutes;
- m) represent and support *Council or Committee*, declaring its will and implicitly obeying its decisions in all things;
- n) ensure that decisions of *Council and Committee* are in conformity with the laws governing the activities of *Council and Committee*;
- o) adjourn the *meeting* when business is concluded;
- p) adjourn the *meeting* without question to a time to be named by the *Presiding Officer* when it is not possible to maintain order.

3.4 Clerk

3.4.1 It shall be the duty of the Clerk to:

- a) be the official Secretary for *Council* and *Committee meetings*, responsible for the taking and preserving of *minutes* and documentation relevant to all *meetings*.
- b) appoint another staff member as official Secretary in his/her absence at *Council* and *Committee* meetings
- c) assemble and produce *meeting agendas* and manage *agenda* deadlines
- d) ensure notice of *meetings* is provided in accordance with the "Town of Milton Public Notice Policy"
- e) provide procedural advice to the *Presiding Officer* and to *members* on agenda business and on preparing motions
- f) authenticate by signature when necessary all resolutions, by-laws and minutes of *meetings* and certify copies of such documents when required.

PART 4 COUNCIL AND COMMITTEE MEETINGS

4.1 Meetings Open to the Public

- 4.1.1 Except as provided in this by-law, all *meetings* shall be open to the public.
- 4.1.2 The Presiding Officer may expel or exclude from any meeting any person who has engaged in improper conduct at the meeting.

4.2 Inaugural Meeting of Council

- 4.2.1 The inaugural *meeting* of *Council* shall be held at 7:00 p.m. on the first Monday in December following a regular municipal election.

4.3 Regular Meetings

- 4.3.1 Unless otherwise decided by *Council*, *regular meetings* of *Council* shall be held in a Town facility commencing at 7:00 p.m. according to the schedule set annually and approved by *Council*. *Committee meetings* shall be held immediately following the *Council meeting*.
- 4.3.2 The *Mayor* 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 like occurrence or an emergency situation will prevent the *members* from attending.
- 4.3.3 Where an item of business scheduled for an agenda may require extraordinary time provisions, the *Mayor* may authorize an earlier commencement time for the meeting and the *Clerk* shall notify all *members* and provide public notice accordingly.

4.4 Special Meetings

- 4.4.1 The *Mayor* may at any time call a *special meeting* of *Council* or *Committee* or upon receipt of a petition of the *majority of members*; the *Clerk* shall call a *special meeting* of *Council* or *Committee* for the purpose and at the time and date specified in the petition.
- 4.4.2 No business may be transacted at a *special meeting* other than that specified in the notice, petition and/or agenda.

4.5 Confidential Session Meetings

- 4.5.1 In accordance with the provisions of the *Municipal Act, 2001*, 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 affecting the municipality or *local board*, including matters before administrative tribunals;
- f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.;
- g) a matter in respect of which *Council* or *Committee* has authorized a *meeting* to be closed under another Act;
- h) **Repealed by-By-law 006-2016**
- h) if the following conditions are both satisfied: **(Amended by By-law 006-2016)**
 - i. the *meeting* is held for the purpose of educating or training the *members*; and
 - ii. 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* or *Committee*.

4.5.1.1 *In accordance with the provisions of the Municipal Act, 2001, a meeting or part of a meeting shall be closed to the public if the subject matter being considered is:*

- a) *a request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or*
- b) *an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13 (1) of the Municipal Act, 2001, or the investigator referred to in subsection 239.2 (1) of the Municipal Act, 2001.***(Amended by By-law 006-2016)**

4.5.2 Prior to moving into *confidential session* for one of the reasons listed in subsection 4.5.1, *Council or Committee* shall state by resolution:

- a) the fact that the *Council or Committee* is convening into *confidential session*; and
- b) the general nature and a brief description of the matter(s) to be considered.

4.5.3 Members shall be prohibited from discussing any additional matters during a *confidential session* other than those identified by resolution as required under subsection 4.5.2.

4.5.3 A *meeting* shall not be closed to the public during the taking of a vote, except where:

- a) subsection 4.5.1 permits or requires that the *meeting* be in *confidential session*; and
- b) the vote is for a procedural matter or for giving direction or instructions to officers, employees, and/or agents of the municipality and/or *local board* or persons retained by, or under contract to, the municipality or *local board*.

4.5.4 The number of times a member may speak in debate on a matter shall not be limited during *confidential sessions* of *Council* and *Committee*.

4.5.7 The *Clerk* shall advise the *Presiding Officer*, if in his/her opinion, the issue (or portion thereof) being discussed at a *confidential session* is not procedurally in accordance with the terms of the *Municipal Act, 2001*.

4.6 Call to Order / Quorum

4.6.1 As soon as there is a *quorum* after the time set for the start of the *meeting*, the *Presiding Officer* shall call the *members* to order.

4.6.2 If a *quorum* for a *meeting* is not present within fifteen (15) minutes of the commencement of the *meeting*, the *Clerk* shall indicate that no *quorum* is present and the *meeting* shall stand adjourned until the next regular *meeting*. The *Clerk* shall record the names of the *members* present.

4.6.3 In the case where *quorum* is present and the intended *Presiding Officer* has not attended within fifteen minutes after the time appointed:

- a) the *Acting Mayor* shall take the Chair at *Council*; or

- b) a *Presiding Officer* as listed in the *Committee Presiding Officer* rotation shall take the Chair at *Committee*; and
 - c) shall call the *meeting* to order, and preside until the arrival of the intended *Presiding Officer*.
- 4.6.4 If during the course of a *meeting* a *quorum* is lost, the *Presiding Officer* shall declare that the *meeting* shall stand recessed temporarily or be adjourned until the date of the next *regular meeting* or other *meeting* called in accordance with the provisions of this by-law. The *Clerk* shall record the names of the *members* present in the minutes at the time of adjournment.
- 4.6.5 *Members* are encouraged to inform the *Clerk* of all planned absences, late arrivals or early departures from a *meeting*.

4.7 Adjournment Hour

- 4.7.1 All *meetings* shall stand adjourned when the *Council* or *Committee* has completed all business as listed on the *agenda*, or at 11:00 p.m., whichever is earlier.
- 4.7.2 Where the business before *Council* or *Committee* has not been completed by the above hour, *Council* or *Committee* may pass a resolution by a vote of two-thirds of the *members* present to proceed beyond the hour of 11:00 p.m. to continue any *unfinished business*.

4.8 Notice of Meetings

- 4.8.1 The calendar/ schedule of meetings shall be posted to the Town website annually upon *Council* approval.
- 4.8.2 Notice of all *meetings* of *Council* and *Committee*, in the form of the agenda, shall be provided to *members* and posted to the Town website pursuant to the "Town of Milton Public Notice Policy".
- 4.8.3 Any addendums to the agenda will be made available to the public as soon as is practicable prior to the *Council* or *Committee meeting* by posting the addendum to the Town website.
- 4.8.4 All notices or other communications required or permitted to be given under this by-law shall be sufficiently given if in writing by personal delivery, or electronic mail to such party at such address as the party has designated.

PART 5 RULES OF CONDUCT AND DEBATE

5.1 Conduct / Decorum

5.1.1 *Members of Council* shall:

- a) act in accordance with their Declaration of Office under the *Municipal Act, 2001* and the *Council Code of Conduct*;
- b) discharge with integrity all responsibilities to *Council*, the Town of Milton, and the public, in keeping with approved corporate policies;
- c) not speak disrespectfully 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;
- d) not use offensive words or insulting expressions at any time including speaking in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability;
- e) treat the *Presiding Officer*, other *members*, staff, and the delegates from the public with courtesy, respect and good faith;
- f) not leave his/her seat or make any noise or disturbance while a vote is being taken and until the result is declared;
- g) not criticize any decision of the *Council* except for the purpose of introducing a motion for reconsideration;
- h) not disobey the rules of the *Council* or a decision of the *Presiding Officer* or *Council* on a question of order, practice or interpretation of the rules of the *Council*;
- i) 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;
- j) turn off all cell phones, and electronic devices, except those in use to facilitate the *meeting*, or otherwise set them so as not to emit any audible sound during a *meeting*.

5.1.2 Where a *member* has been called to order by the *Presiding Officer* for disregarding the *rules of procedure* and the *member* persists in such conduct, the *Presiding Officer* may order such *member* to vacate the meeting place.

5.1.3 Where the *member* apologizes, the *member* may be permitted to resume his/her seat.

5.2 Speaking / Debate

5.2.1 Any *member* desiring to speak to any motion shall signify the intent in such manner as the *Presiding Officer* may direct, and shall refrain from speaking until the *Presiding Officer* has recognized him/her.

5.2.2 When a *member* has been recognized by the *Presiding Officer* to speak, the *member* may rise and shall direct his/her questions or comments to the *Presiding Officer* and speak only to the matter under consideration.

5.2.3. The *Presiding Officer* shall recognize the *members* who wish to speak in the order that they come to his/her attention.

5.2.3 When a *member* is speaking, no other *member* shall interrupt, except to raise a *Point of privilege* or *Point of order*.

5.2.5 A *member* shall not speak more than once to the same motion until all other *members* have had the opportunity to speak to the matter for the first time, except for the purpose of providing an explanation of a material part of his/her speech which may have been misunderstood and in doing so he/she shall not introduce new matters. No *member* shall speak to the same motion more than twice without the leave of *Council* or *Committee*.

5.2.6 A *member* shall not speak to the same motion, or in reply, for longer than five minutes, without leave of *Council* or *Committee*.

5.2.7 A *member* shall be restricted to asking questions related directly to the matter under discussion.

5.2.9 The *Presiding Officer* may answer questions and comment in a general manner but if he/she wishes to speak to the matter under discussion, he/she shall withhold his/her comments until the conclusion of the debate after all other *members* have had an opportunity to speak to the matter.

5.3 Public Conduct at Council and Committee Meetings

5.3.1 Public attendees at a *Council* or *Committee meeting* shall maintain order and quiet and shall not address *Council* except with the permission of *Council*.

5.3.2. No person shall display signs or placards, applaud participants in debate or engage in conversation or other behaviour which may disrupt the proceedings of *Council* or *Committee*.

- 5.3.3 No person shall bring into the meeting cellular telephones pagers or other electronic devices which emit a sound unless such devices are turned off or otherwise set to non-audible.
- 5.3.4 No person shall use indecent, offensive or insulting language or speak disrespectfully of any *member* of Federal, Provincial or Regional *Council*, any *member* of *Council* or any employee of the Town.
- 5.3.5 Persons addressing *Council* or *Committee* in accordance with section 7.8 of this by-law shall only speak on the subject in debate and shall not speak on any other subject.
- 5.3.6 Any person who contravenes any provision of this section, may be expelled from the *meeting* by the *Presiding Officer*.

5.4 Point of Privilege

- 5.4.1 Where a *member* considers that the rights, integrity, character or reputation of the *member*, *members*, or *Council* as a whole has been impugned, the *member* may raise a *point of privilege* drawing the attention of the *Council* to the matter in accordance with Appendix "A".

5.5 Point of Order

- 5.5.1 Where a *member* considers that there has been a departure from the rules of procedure, the *member* may raise a *point of order* in accordance with Appendix "A".

PART 6 COUNCIL & COMMITTEE AGENDAS

- 6.1 The *Clerk* shall have prepared all *Council* and *Committee agendas*.
- 6.2 When reasonably possible, agendas for *Council and Committee meetings* shall be made available to the public by 4:30 p.m. on Thursdays prior to a *meeting*.
- 6.3 The *Clerk* may prepare an addendum to the agenda to deal with urgent matters or provide supplementary information to items of business listed on the agenda.
- 6.4 An item of business not listed on the *agenda* is not permitted to be introduced at a *meeting* unless authorized by a two-thirds vote of the *members* present.

PART 7 MEETING PROCEEDINGS

7.1 The business of *Council or Committee* shall be taken up in the order in which it stands on the *agenda*, unless otherwise decided by the *Presiding Officer*, the *Council or Committee*.

7.2 Opening Procedure

7.2.1 As soon after the appointed time of the meeting that there is a quorum present, the *Presiding Officer* shall take the Chair and call the *members* to order.

7.2.2 Every regular *Council* meeting shall commence with a moment of silent reflection and the singing of O' Canada.

7.3 Agenda Announcements / Amendments

7.3.1 The *Presiding Officer* shall announce any amendments to the agenda.

7.4 Disclosure of Pecuniary Interest & General Nature Thereof

7.4.1 It is the responsibility of each *member* to identify and disclose any pecuniary interest on any item or matter before the *Council or Committee*, in accordance with the provisions of the of interest legislation currently in effect.

7.4.2 Where a *member* has any *pecuniary interest*, direct or indirect, in any matter and is present at a *meeting* of the *Council or Committee* at which the matter is the subject of consideration, the *member* shall:

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

7.4.3 Where a *meeting* is not open to the public, in addition to complying with the requirements of subsection 7.4.2., the *member* shall forthwith leave the *meeting* for the part of the *meeting* during which the matter is under consideration.

7.4.4 Where the interest of a *member* has not been disclosed by reason of his/her absence from the particular *meeting*, the *member* shall disclose the interest and otherwise comply at the first *meeting* of *Council or Committee*, as the case

may be, attended by the *member* after the particular *meeting*.

7.4.5 The *Clerk* shall record the particulars of any disclosure of *pecuniary interest* made by the *member(s)* and such record shall appear in the minutes of that particular *meeting*.

7.5 Special Recognition

7.5.1 Upon request of the *Mayor's* office, the *Clerk* shall place on the *Council agenda*, civic recognition/awards to be presented at the *meeting*.

7.6 Consent Items

7.6.1 Items of business which are, in the opinion of the *Clerk*, generally routine in nature and would not require debate, shall be listed as consent items and may be approved collectively by a single motion.

7.6.2 A *member* may make brief comments to a consent item prior to the consideration of the adoption of the matters listed, however, if a *member* wishes to debate or amend the recommendation of an item; the item shall be removed from the consent list and dealt with as a separate item.

7.6.3 Minutes of the previous meetings of *Council* and *Committee* shall be listed as *Consent items* for consideration and approval.

7.7 Public Meetings / Hearings

7.7.1 The *Committee* is delegated the power to hold a public hearing or meeting where legislatively required and any such matter shall be listed on either a *Council* or *Committee* agenda, as deemed appropriate, at which the proceedings shall be conducted in accordance with the applicable legislative requirements.

7.7.3 The *Presiding Officer* shall advise of the procedures to be followed at the commencement of the public *meeting* or hearing.

7.7.4 During a public *meeting*, after all *members* of the public have been given an opportunity to speak to the matter under consideration, the *Presiding Officer* shall adjourn the public portion of the *meeting* and debate on the matter shall be limited to *members*.

7.7.3 During a public hearing, after all *parties to a public hearing* have concluded their submission(s) to the matter under consideration, the *Presiding Officer* shall adjourn the public portion of the hearing and debate on the matter under consideration shall be limited to *members*.

7.7.4 All *parties to a public hearing* may be represented at the public hearing by a representative. Public hearings shall be limited to the parties to the hearing or their representative(s) and public delegations shall not be permitted.

7.7.5 Any party to a public hearing may call and examine witnesses, present evidence and submissions and conduct cross-examinations of witnesses at the hearing reasonably required for a full and fair disclosure of all matters relevant to the issues in the proceeding.

7.8 Presentations / Delegations

7.8.1 The Town may request or accept requests for presentations addressing matters relevant to the Town and seeking to provide information or receive input from *Council* or *Committee* from any *local board* or similar authority including relevant agencies, boards, commissions as well as other levels of government and Town staff subject to the provisions outlined in this section and scheduling is approved by the *Clerk*. (Amended by By-law 057-2017)

7.8.2 Repealed by By-law 057-2017

7.8.3 Persons wishing to address *Council* or *Committee* shall provide a written request on the prescribed form to the *Clerk* no later than the day of the *meeting* at 10:00 a.m. The *Clerk* shall reject all delegation requests received after this time.

7.8.3.1 Notwithstanding section 7.8.3, *Council* or *Committee* may approve delegation requests which were received after the deadline, by a *majority* vote of the *members* present at the meeting. (Amended by By-law 057-2017)

7.8.4 No delegations shall be permitted unless there is a business item listed on the agenda which the delegate has a bona fide interest in. What constitutes a business item shall be at the sole discretion of the Clerk but for clarity, business items do not include items such as special recognition, meeting minutes, introduction of Notices of Motion, Regional Council updates and Presiding Officer's Announcements. (Amended by By-law 057-2017)

7.8.5 No delegations shall be permitted if the same business item has been previously considered by *Council* or *Committee* or if delegates have already been heard on a deferred matter. (Amended by By-law 057-2017)

7.8.6 Repealed by By-law 057-2017

7.8.7 Delegations will be permitted without prior registration during any public *meeting* as required by legislation.

7.8.8 Each person appearing as a delegation shall be permitted to speak only once

on the topic for a maximum of ten (10) minutes. (Amended by By-law 057-2017)

- 7.8.9 The speaking time for any delegation at *Council* or *Committee* may only be extended by *majority* vote of the *members* present.
- 7.8.10 Where there are numerous delegates wishing to address the same matter, the *Presiding Officer*, after consultation with the *Clerk*, shall have the authority to reduce the delegation speaking time limit to enable every delegate the opportunity to address *Council* or *Committee*. Multiple delegates with similar views on a business item are encouraged to select one spokesperson to present their views within the allotted time frame. (Amended by By-law 057-2017)
- 7.8.11 Delegations shall abide by the rules of procedure and public conduct at *meetings* and shall accept any decisions of the *Presiding Officer* and not enter into cross debate with *members*, other delegations or staff.
- 7.8.12 The *Presiding Officer* may limit any delegation, questions of a delegation and/or debate during a delegation for disorder or any other breach of this by-law and, if the *Presiding Officer* rules that the delegation is concluded, the person or persons appearing shall withdraw, and the decision of the *Presiding Officer* shall not be subject to challenge.
- 7.8.13 Any discourse between *members* and the delegation shall be limited to *members* asking questions for clarification and obtaining additional, relevant information only. *Members* shall not enter into debate with the delegation respecting their comments.
- 7.8.14 The substance of presentations and delegations will not be cited in the minutes of the *meeting*.
- 7.8.15 Any person wishing to present materials either in hard copy or electronically for distribution at the *meeting* shall submit a copy of the material to the *Clerk* by *his/her* *deadline*, or alternatively provide an adequate number of hard copies to the *Clerk* at the *meeting*. (Amended by By-law 057-2017)

7.9 Notices of Motion

- 7.9.1 *Notices of Motion* shall name the mover and seconder and shall be introduced at regular *Committee* *meetings*, or at regular *Council* meetings during months that *Committee* does not meet in the following order:
- a) Motions for debate previously introduced at a prior *Committee* / *Council* meeting. (Amended by By-law 080-2017)
 - b) Introduction of *Notices of Motion*.

- 7.9.2 *Notices of Motion* shall be in writing and delivered to the *Clerk* by the agenda deadline, to be included on the agenda for introduction. *Notices of Motion* shall not be discussed or debated upon introduction, but shall be included on the next regular *Committee* meeting agenda for consideration, or on the next regular *Council* meeting agenda for consideration during months that *Committee* does not meet. (Amended by By-law 080-2017)
- 7.9.2.1 Notwithstanding sections 7.9.1 and 7.9.2, *Notice of Motions* requesting staff reports shall go directly to *Council* and be considered by *Council* upon its introduction. (Amended by By-law 080-2017)
- 7.9.3 Where it is deemed impractical or not in the best interests of the Town of Milton to delay consideration, a *Notice of Motion* may be considered by *Committee*, or by *Council* during months that *Committee* does not meet, upon its introduction by an affirmative vote of two-thirds of the *members* present. (Amended by By-law 080-2017)
- 7.9.4 Requests for staff reports shall be presented by *members* as *notices of motion*.
- 7.9.5 Where it is would be beneficial to obtain a staff report on any *notice of motion* prior to its consideration, *members* may refer such *notice of motion* to staff upon its introduction for report and consideration as an item of business at a future meeting.
- 7.10 Regional Council Update**
- 7.10.1 Members of Halton Regional Council may present updates as to relevant business being conducted at the Region of Halton.
- 7.11 Repealed by By-law 057-2017**
- 7.11.1 Repealed by By-law 057-2017
- 7.11 Presiding Officer's Announcements (Amended by By-law 057-2017)**
- 7.11.1 *Members* shall be permitted to provide the *Clerk* with a statement regarding upcoming events within the Town of Milton that they would like to bring to *Committee's* attention in advance of the *meeting*. (Amended by By-law 057-2017)
- 7.11.2 The *Presiding Officer* shall read the list of upcoming events at the *Committee* meeting, without discussion or debate, and such upcoming events shall not be reflected in the minutes of the *meeting*. (Amended by By-law 057-2017)
- 7.11.3 References to *Committee* in Sections 7.11.1 and 7.11.2 also include *Council*, but only during months that *Committee* does not meet. During these months, the *Mayor* shall read the list of upcoming events provided by the *Clerk*. (Amended by By-law 057-2017)

7.12 By-laws

7.12.1 Every by-law shall be in writing and shall require only one reading prior to being passed by a majority vote of *Council*.

7.12.2 Unless separated at the request of a *member*, all by-laws proposed for adoption shall be passed collectively by a single motion.

7.12.3 Every by-law passed by *Council* shall signify the date of passage and be signed by the *Mayor* and the *Clerk* and sealed with the seal of the Corporation.

7.12.4 A by-law shall be passed for each regular or special *Council meeting* to confirm the proceedings thereof.

7.12.5 The *Clerk* shall be authorized to make minor corrections to any by-law resulting from technical or typographical errors prior to the by-law being signed.

7.13 Adjournment

7.13.1 Upon completion of the agenda, the *Presiding Officer* shall declare a meeting adjourned.

PART 8 MINUTES

8.1 Minutes shall record:

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

8.2 Confidential Session minutes shall record:

- a) the place, date and time of meeting;
- b) the names of the *Presiding Officer* 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 motions considered and votes taken by *Council and Committee*; and
- e) all directions given.

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

8.4 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*.

PART 9 MOTIONS

- 9.1** Except as provided elsewhere in this by-law, all motions shall be in writing and shall be signed by the mover and seconder.
- 9.2** In *Council or Committee*, the following procedural 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 close debate.
 - c) to adjourn.
- 9.3** In *Council*, the following procedural motions may be introduced without notice and without leave, except as otherwise provided by this by-law:
- a) to suspend the *rules of procedure*.
 - b) to table.
 - 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) any other procedural motion.
- 9.4** The mover and seconder may withdraw a motion or a *notice of motion* at any time prior to it being read by the *Presiding Officer*.
- 9.5** After a motion has been read or stated by the *Presiding Officer*, it shall be deemed to be in the possession of *Council*, but may be withdrawn by the mover and seconder at any time before being voted on with the concurrence of Council.
- 9.6** When a motion is under consideration, no other motion shall be received except a procedural motion or a motion to amend.
- 9.7** After a motion has been put to vote by the *Presiding Officer*, no *member*

shall speak to the motion nor shall any other motion be made until after the vote is taken and the result has been declared.

- 9.8** A motion regarding a matter, which is beyond the jurisdiction of the *Council*, shall not be in order except a matter, which, 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.
- 9.9** Appendix “A” forms part of this by-law and shall describe the form and standard descriptive characteristics of motions commonly used in *Council* and *Committee*.

PART 10 RECONSIDERATION

- 10.1** Any proposal to reconsider, amend or rescind a previous decision of *Council* made within its current term shall require a motion of reconsideration.
- 10.2** A motion to reconsider a previous decision of *Council* made earlier in a *meeting*:
- a) may be presented at any time prior to the meetings' adjournment by any member who voted in the majority when the decision was made;
 - b) may not be apply to a decision of indefinite postponement; and
 - c) shall require an affirmative vote of the majority of the *members* present
- 10.3** 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 who voted in the *majority* when the decision was made or who was not present at the meeting when the decision was made;
 - b) shall be introduced as a *notice of motion* in accordance with section 7.9 for consideration; and
 - c) shall require an affirmative vote of two-thirds vote of the *members* present
- 10.4** The mover of a motion to reconsider shall specify whether the reconsideration will address the entire original decision of *Council* or part of the original decision.
- 10.5** Debate on a motion for reconsideration shall be confined to reasons for or against reconsideration.
- 10.6** Discussion of the previous decision shall not be in order until the motion to reconsider has been adopted.
- 10.7** Where the motion to reconsider is decided in the affirmative, reconsideration of the previous decision of *Council* shall become the next order of business unless the motion to reconsider included direction to postpone reconsideration to a definitive date.
- 10.8** During the term of Council, a motion to reconsider shall not be permitted more than once with regard to a previous decision of *Council* nor shall a vote to reconsider be reconsidered.

PART 11 VOTING

- 11.1** The manner of determining the decision of the *Council* or *Committee* on a motion where no *recorded vote* is called for shall be at the discretion of the *Presiding Officer*, and may be by a show of hands.
- 11.2** Except as provided in the *Municipal Act, 2001*, no vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.
- 11.3** Voting shall 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;
- 11.4** When the matter under consideration contains distinct recommendations or propositions, any *member* may request that the vote be taken separately on each recommendation or proposition and no vote shall be required to be taken on the matter as a whole.
- 11.5** Every member present at a meeting shall vote on every motion, unless prohibited by legislation. Failure to vote for any other reason shall be deemed to be a negative vote, except for the *Presiding Officer* who can exercise his/her right to abstain from voting.
- 11.6** Except as provided elsewhere in this by-law, a motion shall be deemed to have been carried when a *majority* of the *members* present and voting have voted in favour of the motion. Any motion upon which there is a tied vote shall be deemed to have been defeated.
- 11.7** If a *member* disagrees with the announcement of the result of any vote, the *member* may object immediately to the announcement and require that the vote be retaken.
- 11.8 Recorded Votes**
- 11.8.1 Any *member*, in *Council* and *Committee* immediately before or after a vote is taken, may require that a *recorded vote* be taken on the motion concerned.

- 11.8.2 When a recorded vote is taken, the names of those who voted in favour and those who voted against the motion shall be entered in the minutes.

11.9 Appointments

- 11.9.1 The voting procedure for appointing members to boards and committees shall be in accordance with Appendix "B".

PART 12 GENERAL

12.1 Amendment / Repeal

12.1.1 No amendment or repeal of this by-law or any part thereof shall be considered at any *meeting* unless notice of the proposed amendment conforms with the provisions of the Town of Milton Public Notice Policy

12.1.2 By-Law 138-2008 and all amendments thereto are hereby repealed.

12.2 Severability

12.2.1 Should any section, subsection, clause, paragraph or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the provision so declared to be invalid.

This by-law shall take full force and effect upon final passage hereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 27th day of July, 2015.

Gordon A. Krantz Mayor

Troy McHarg Town Clerk

APPENDIX A TO BY-LAW 063-2015

PROCEDURAL 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, if carried without qualification, 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* shall take precedence over any other matter.

2.3 A *member* shall not be permitted to enter into any debate or introduce any motion not related to the *point of privilege*.

2.4 The *Presiding Officer* shall decide upon the point of privilege and advise the *members* of the decision.

2.5 Unless a *member* immediately appeals the *Presiding Officers'* decision, the decision of the *Presiding Officer* shall be final.

2.6 If the decision of the *Presiding Officer* is appealed, the question “Shall the ruling of the Chair be upheld?” shall be called without debate, and its results shall be final, based on a *majority* vote.

2.7 When the matter has been determined to be a *point of privilege*, the *member* shall be afforded an opportunity to propose a motion in relation to that *point of privilege*.

3. MOTION TO TABLE

3.1 A motion to table:

a) is not debatable.

b) is not amendable.

3.2 A motion to table a matter with some condition, opinion or qualification added to the motion shall be deemed to be a motion to postpone.

3.3 The matter tabled shall not be considered again by *Council* until a motion has been made to take up the tabled matter at the same or subsequent *meeting of Council*.

3.4 A motion to take up a tabled matter is not subject to debate or amendment.

3.5 A motion that has been tabled at a previous *meeting of Council* cannot be lifted off the table unless notice thereof is given in accordance with section 7.9 of this by-law.

3.6 A motion that has been tabled and not taken from the table for six (6) months shall be deemed to be withdrawn and cannot be taken from the table.

4. MOTION TO CLOSE DEBATE (PREVIOUS QUESTION)

4.1 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 (2/3) *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.

5. MOTION TO POSTPONE DEFINITELY

5.1 A motion to postpone definitely (to a fixed time or date):

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

6. MOTION TO REFER (TO COMMITTEE OR STAFF)

6.1 A motion to refer:

- a) is debatable.
- b) is amendable.
- c) shall take precedence over all amendments of the main question and any motion to postpone indefinitely, to postpone definitely or to table the question.

7. MOTION TO AMEND

7.1 A motion to amend:

- a) is debatable.
- b) is amendable.
- c) shall be relevant and not contrary to the principle of the report or motion under consideration.

- 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.

7.2 Only one motion to amend an amendment to the main motion shall be allowed at one time.

8. MOTION TO POSTPONE INDEFINITELY

8.1 A motion to postpone indefinitely:

- a) is debatable, and debate may go into the merits of the main question, which effectively stops a motion and avoids a direct vote on the question.
- b) is not amendable.
- c) requires a *majority* vote.

9. POINT OF ORDER

9.1 The *Presiding Officer* shall decide all points of order. When a *member* wishes to raise a *point of order*, the *member* shall ask leave of the *Presiding Officer* and after leave is granted, the *member* shall state the *point of order* to the *Presiding Officer*, after which the *Presiding Officer* shall decide on the *point of order*. Thereafter, the *member* shall only address the *Presiding Officer* for the purpose of appealing the decision to *Council* or *Committee*, as the case may be. If the *member* does not appeal, the decision of the *Presiding Officer* shall be final. If the *member* appeals to *Council* or *Committee* as the case may be, *Council* or *Committee* shall decide the question without debate and the decision shall be final.

10. MOTION TO SUSPEND THE RULES (WAIVE THE RULES)

10.1 A motion to suspend the rules:

- a) is debatable. (Amended by By-law 019-2016)
- b) is not amendable.
- c) requires a two-thirds *majority* vote to carry.
- d) takes precedence over any motion if it is for a purpose connected with that motion and yields to a motion to table.

APPENDIX B TO BY-LAW 063-2015

Voting Scenarios for Boards and Committees	
Result	Outcome
Single Position	
Highest 2 or more tie	All others drop – revote with tied candidates
Highest wins	Person Appointed
Highest 2 or more tie	All others drop – revote with tied candidates
Tie on revote	Winner by Lot
Two Positons	
Highest 2 win	Both appointed
Highest 3 tie	Both appointed
Highest 3 or more tie	All others drop – revote with tied candidates
Tie on revote	Winner by lot
Three or More Positions	
Highest 3 or more to win	All positions appointed
Highest 2 tie and next highest number of votes	All positions appointed
Highest 2 tie and lower votes all tie	Top 2 positions appointed – all others drop & revote on 2 nd place tie
Tied on revote	Winner by lot
Highest tie over number of positions (i.e. 3 positions – 4 way tie)	All others drop – revote with tied candidates
Tie on revote – 4 way	Winner by lot
Two – 2 way ties on revote	Two highest positions appointed – revote with remaining two candidates
Tie on revote	Winner by lot