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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 of a Committee, as the context requires, where:
 - a) a *quorum of members* is present, and
 - b) *members* discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the *Council* or *Committee*. (Amended by By-law 013-2018)
- 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 Members Rights

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.

3.3.3 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)

3.3.4 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; **(Repealed by By-law 006-2016)**
- h) information explicitly supplied in confidence to the Town by Canada, a province or territory or a Crown agency of any of them;
- i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Town, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j) a trade secret or scientific, technical, commercial or financial information that belongs to the Town and has monetary value or potential monetary value;
- k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the Town; **(Amended by By-law 013-2018)**
- l) 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.
- 4.5.4 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.
- 4.5.5 The number of times a member may speak in debate on a matter shall not be limited during confidential sessions of Council and Committee.
- 4.5.6 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.

4.5.7 If the Town receives a report from a meeting investigator reporting that in his or her opinion, and the reasons for it, a meeting or part of a meeting that was the subject-matter of an investigation by that person appears to have been closed to the public contrary to section 239 of the Municipal Act, 2001 or to this By-law, Council shall pass a resolution stating how it intends to address the report. (Amended by By-law 013-2018)

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.

5.2.4 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.

5.2.8 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 **Order of Business**

The Clerk shall have prepared all Council and Committee agendas.

6.2 **Agenda**

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 **Addendum**

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 **No Item**

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 Order of Business

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.

7.4.3.1 The following rules shall apply, effective March 1, 2019, if the matter under consideration at a meeting or a part of a meeting is to consider whether to suspend the remuneration paid to the member:

- a) Despite section 7.4.2, the member may take part in the discussion of the matter, including making submissions to council or the local board, as the case may be, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the meeting, in accordance with Section 5.2 (2) of the MCIA, as may be amended from time to time. However, the member is not permitted to vote on any question in respect of the matter.
- b) Despite section 7.4.3, in the case of a meeting that is not open to the public, the member may attend the meeting or part of the meeting during which the matter is under consideration. **(Amended by By-law 013-2018)**

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.

7.4.6 The following rules shall apply, effective with the 2018-2022 term of Council:

- a) At a meeting which a member discloses an interest under section 7.4, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Town Clerk or secretary of the committee or local board, as the case may be, in accordance with section 5.1 & 5.2 (1) of the MCIA, as may be amended from time to time;
- b) The Town Clerk and local board shall establish and maintain a registry in which shall be kept, a copy of each statement/declaration filed; and
- c) The registry shall be available for public inspection in the manner and during the time that the municipality or local board, as the case may be, may determine. **(Amended by By-law 013-2018)**

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.
- 7.7.2 The Presiding Officer shall advise of the procedures to be followed at the commencement of the public meeting or hearing.
- 7.7.3 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. Staff will not respond to public comments at the meeting save and except to provide minor clarification as may be required at the discretion of staff. **(Amended by By-law 068-2018)**
- 7.7.3.1 A summary of the comments shall be recorded in the minutes of the meeting. **(Amended by By-law 068-2018)**
- 7.7.4 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.
- 7.7.5 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.
- 7.7.6 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 Persons wishing to address Council or Committee with respect to a public meeting are encouraged to provide a written request on the prescribed form to the Clerk no later than the day of the meeting at 10:00 a.m. However, delegations will be permitted without prior registration during any public meeting as required by legislation. **(Amended by By-law 068-2018)**
- 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 **Presiding Officer's Announcements**

7.11.1 Repealed by By-law 057-2017

7.12 Presiding Officer's Announcements (Amended by By-law 057-2017)

7.12.1 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)

7.12.2 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)

7.12.3 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)

7.13 By-laws

- 7.13.1 Every by-law shall be in writing and shall require only one reading prior to being passed by a majority vote of Council.
- 7.13.2 Unless separated at the request of a member, all by-laws proposed for adoption shall be passed collectively by a single motion.
- 7.13.3 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.
- 7.13.4 A by-law shall be passed for each regular or special Council meeting to confirm the proceedings thereof.
- 7.13.5 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.

7.14 Adjournment

- 7.14.1 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 members;
- c) declarations of pecuniary interest;
- d) the motions considered and votes taken by Council and Committee; and
- e) except as provided elsewhere in this by-law, all the other decisions or authorized actions without note or comment;
- f) except as provided elsewhere in this by-law, a summary of comments shall not be recorded in the minutes. (Amended by By-law 068-2018)

8.2 Confidential Session minutes shall record:

- a) the place, date and time of meeting;
- d) the names of the Presiding Officer and the record of the attendance of the members and any other attendees;
- e) a description of the substantive and procedural matters discussed, including specific reference to any documents considered;
- f) the motions considered and votes taken by Council and Committee; and
- g) all directions given.

8.3 **Minutes to Next Council Meeting**

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

8.4 **Confidential Reports**

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 **Motions in Writing**

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 **Verbal Motions**

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 **Procedural Motions**

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 **Withdraw a Motion**

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 Motion in Possession of Council

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 Motion under Consideration

When a motion is under consideration, no other motion shall be received except a procedural motion or a motion to amend.

9.7 Motion put to the Vote

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 Motion Out of Order

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 Descriptive Characteristics of Motions

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 Motion of Reconsideration

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

10.1.1 Notwithstanding section 10.1, any decision of Council returned to Council by the Local Planning Appeals Tribunal for reconsideration will not require a motion of reconsideration. (Amended by By-law 068-2018)

10.2 Motion to Reconsider a Previous Decision

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 Previous Decision at Subsequent Meeting

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 Specify Scope

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**

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

10.6 **Discussion**

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

10.7 **Next Order of Business or Postpone**

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 **Permitted only once**

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 **At the Discretion of the Presiding Officer**

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 **Vote by Ballot or Secret Voting**

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 **Order of Voting**

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 **Voting on Each Recommendation**

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 **Voting on Every Motion**

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 **Carried or Defeated**

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 Retake Vote

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.

_____ Mayor
Gordon A. Krantz

_____ Town Clerk
Troy McHarg

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

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 Positions	
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