



## MISSISSAUGA

### THE CORPORATION OF THE CITY OF MISSISSAUGA

#### Council Procedure By-law 0139-2013

(Amended by 0305-2015, 0300-2016, 0011-2017, 0112-2017, 0028-2018, 0046-2020, 0059-2020, 0190-2020, 0244-2020)

**WHEREAS** section 238 of the Municipal Act, 2001 as amended (the “Municipal Act”), authorizes Council to pass a procedure by-law governing the calling, place and proceedings of meetings;

**AND WHEREAS** section 23.1 of the Municipal Act provides municipalities with the power to delegate their powers and duties under the Municipal Act or any other Act to a person or body subject to certain restrictions;

**NOW THEREFORE** The Council of The Corporation of the City of Mississauga hereby ENACTS as follows:

#### **PART I - INTERPRETATION**

##### **APPLICATION**

1. The rules and regulations contained in this By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business conducted by the Council.
2. The rules and regulations contained in this By-law shall be observed in the proceedings of any committee of Council, except any such rules and regulations may, where permitted by law and subject to section 90(3) hereof, be superseded or altered by a majority vote of the Members of the committee.

##### **DEFINITIONS**

3. In this By-law:

“**ACTING MAYOR**” [acting Head of Council] means the Member of Council who is appointed by Council to act from time to time in the place and stead of the Mayor when the Mayor is absent or refuses to act or the Office of Mayor is vacant;

“**AGENDA**” means the order of proceedings for a meeting setting out the business to be considered at the meeting;

**“APPLICANT”** means a person who has submitted an application to the City for the development of land pursuant to the *Planning Act* including an official plan amendment, zoning by-law amendment and/or draft plan of subdivision; (0244-2020)

**“BILL”** means a draft or proposed form of by-law;

**“CHAIR”** means the person presiding at a meeting, and includes the Mayor, Acting Mayor, or Committee Chair while they preside at a meeting or such other person as may be authorized to preside in their absence;

**“CLERK”** means the City Clerk, or his/her designate;

**“CLOSED SESSION”** means that part of a meeting closed to the public, other than those persons specifically invited by Council or Committee to remain; (0300-2016)

**“COMMITTEE”** means a committee of Council or an advisory or ad hoc committee established by Council from time to time but does not include Committee of the Whole;

**“COMMITTEE OF THE WHOLE”** means a committee consisting of all Members of Council sitting as a Committee of the Whole;

**“CONSENT AGENDA”** means those items that all Members of Council or General Committee deem appropriate to approve or deal with together without discussion or individual motions because they are deemed routine and/or non-contentious; (0011-2017)

**“CONSENT MOTION”** means a single motion to approve the recommendations arising out of the consent agenda; (0011-2017)

**“COUNCIL”** means the Council of The Corporation of the City of Mississauga;

**“COUNCIL FLOOR”** means that part of the Council Chambers in the foreground and between the podium and the seats of the Mayor and Members of Council;

**“ELECTION RECESS”** means the time period determined by the Clerk that is immediately preceding and following the Municipal Election when Council meets less frequently;

**“EMERGENCY”** means a situation or impending situation which, in the opinion of the Mayor or Acting Mayor, constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or not; (0046-2020)

**“HEAD OF COUNCIL”** means the Mayor who shall preside at all meetings of the Council, and who is the Chief Executive Officer of the City;

**“MAYOR”** means the head of the Council of The Corporation of the City of Mississauga;

**“MEETING”** means any regular, special, or other meeting of a council, of a local board or of a committee of either of them, where: (0028-2018)

(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, local board or committee.

**“MEMBER”** means a member of Council;

**“MOTION”** means a proposal by a Member, received by the Clerk, in writing, moved by a Member and seconded by another member, for inclusion on an agenda of a meeting of Council and includes proposals by a Member moved verbally in a meeting, that Council or Committee resolve and effect a decision;

**“MOVER”** means a mover of a motion by any Member of Council or Committee; (0244-2020)

**“MUNICIPAL ACT”** means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended;

**“POINT OF ORDER”** means a question by a member with the view to calling attention to any departure from the Procedural By-law or in the practiced conduct of the Council's business;

**“POINT OF PERSONAL PRIVILEGE”** means a question by a Member who is concerned and believes that another member has spoken disrespectfully towards that Member, or who considers that his or her integrity has been impugned;

**“POINT OF PRIVILEGE”** means a question affecting the rights and immunities of the Council collectively or the position and conduct of Members as elected representatives;

**“POINT OF PROCEDURE”** means a question to obtain information on a matter of parliamentary procedure where the rules of the Council bearing on the business at hand in order to assist a Member to make an appropriate motion, raise a point of order, or understand the parliamentary situation or the effect of a motion;

**“QUORUM”** means the number of Members required to be present at a meeting to validate the transaction of its business;

**“RECORDED VOTE”** means the recording by the Clerk of the name and the vote of each Member present at a meeting on any matter or question;

**“REGULAR ELECTION”** means a regular election as defined in section 1 of the Municipal Elections Act, 1996, as amended from time to time;

**“SUBCOMMITTEE”** means a committee consisting of at least two (2) Members of the committee establishing the sub-committee, to consider one or more matters;

**“SUMMER RECESS”** means the time during the months of July and August when Council meets less frequently;

**“STANDING COMMITTEE”** means a committee established by Council and consisting solely of Members of Council.

## **PART II - COUNCIL MEETINGS**

### **INAUGURAL MEETING**

4. (1) The first meeting of Council shall be held on such date and at such time and place as may be fixed by resolution of the previous Council and not later than thirty-one (31) days after the Council's term commences
- (2) At the first meeting the Council shall organize as a Council, and the first order of business shall be the declarations of office in accordance with the Municipal Act.

### **REGULAR MEETINGS**

5. Regular meetings of the Council shall be held at 9:30 a.m. on two week intervals, or such other time and/or interval as determined by the Clerk. (0300-2016, 0244-2020)
6. When the day for a regular meeting of Council falls on a public, statutory or civic holiday, the meeting shall be held on the business day immediately before or following the originally scheduled date for that meeting, as determined by the Clerk.
7. All Meetings of Council and Committees shall be convened at the Civic Centre unless the notice of meeting stipulates the Meeting shall be held at another location.
8. A Motion passed by a majority of the Members present is required to continue a meeting of Council or of a Committee past 11:00 p.m. local time.

### **SPECIAL MEETINGS**

9. The Mayor may, at any time, summon a special meeting of Council and the Clerk shall summon a special meeting of Council upon the direction of Council given at a regular meeting of Council or upon receipt of a petition from a majority of the Members of Council.
10. The notice calling a special meeting of Council shall state the business to be considered at the special meeting and no business other than that stated in the notice shall be considered at such meeting except with the consent of a majority of the Members present and voting.
11. Written notice of all special meetings of Council must be delivered to the Members of Council, not less than forty-eight (48) hours before the time set for the meeting to all Members of Council by mail or electronically.

### **EMERGENCY PROCEDURES**

12. (1) Despite the provisions of Sections 10 and 11, a meeting of Council may

be called by the Mayor, or Acting Mayor, without written notice, to deal with an Emergency, provided that an attempt has been made by the Clerk to notify Members about the meeting as soon as possible and in the most expedient manner available as so determined by the Clerk. (0046-2020)

- (2) For the purposes of a Meeting called in accordance with subsection (1), Schedule B to this By-law shall apply. (0046-2020)

### **QUORUM – COUNCIL AND COMMITTEES**

13. A majority of Members sitting in their assigned seats is necessary to form a quorum at a meeting of each of Council, General Committee, Planning and Development Committee and Budget Committee. (0305-2015, 0046-2020, 0059-2020)

For greater clarity, a member that is permitted to participate in a meeting of Council electronically shall be counted in determining whether or not a quorum of members is present at any point in time. (0190-2020)

14. As soon as there is a quorum after the time appointed for the start of the meeting, the Mayor or Chair will call the Members to order.
15. If no quorum is present thirty (30) minutes after the time appointed for a meeting of Council or Committee, the Mayor, or the Committee Chair shall call the roll and the Clerk shall record the names of the members present and the meeting will stand adjourned until the next appointed time.
16. Where the Mayor does not attend within fifteen (15) minutes after the time appointed for the meeting, the Acting Mayor shall call the members to order and, if a quorum is present, preside during the meeting or until the arrival of the Mayor at that meeting.
17. If during the course of a Council or Committee meeting a quorum is lost, then the meeting shall stand adjourned, to reconvene when quorum is regained. If a quorum is not present within thirty (30) minutes, the Clerk will record the names of the Members present and the meeting shall be adjourned to the next appointed time.
18. If a meeting of Council or Committee cannot be convened or does not continue because of a lack of quorum, the remaining business on the Agenda for that meeting shall be placed on the Agenda for the next scheduled meeting of that body.
19. Despite any other provision in this section, Council or a Committee may receive submissions or information from the public or staff on a matter where a quorum is not present, except submissions or information in respect of a hearing or public meeting required by statute.

### **CLOSED MEETINGS**

20. Except as provided in this section, all meetings shall be open to the public. A meeting or part of a meeting may be closed to the public if the subject matter is being considered is: (0028-2018)

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, Committee or other body may hold a closed meeting under another Act.
- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board; or
- (l) an educational or training session for the member of Council, committee or local board provided that no member discusses or otherwise deals with the matter in a way that materially advances the business or decision making of Council, the committee or local board.

## **NOTICE**

21. Notice shall be provided of meetings of Council and Committees by posting the date and time of the meeting on the Council and Committee Calendar on the City website.
22. Notice shall be provided to the public respecting matters coming before Council for decision in the manner required by the City's Notice By-law or as otherwise required by statute.

### **PART III - RULES OF ORDER AND DEBATE**

23. The Chair shall:
- (1) maintain order and preserve the decorum of the meeting;
  - (2) rule upon points of order, points of procedure, points of privilege and points of personal privilege, without debate or comment;
  - (3) rule whether a Motion or proposed amendment is in order;
  - (4) rule upon all other procedural matters;
  - (5) maintain a speaker's list of those members who have signaled the Chair that they wish to speak or ask questions, and recognize such members in the order in which they appear;
  - (6) call a Member to order where appropriate;
  - (7) temporarily pass their role and duties to another Member of Council or Committee in order to Move a motion. (0244-2020)
24. No Member shall:
- (1) speak disrespectfully of any member of the Royal Family, the Governor General, the Lieutenant Governor of any Province, any member of the Federal, Provincial or Regional Council, any member of Council, any employee of the City, or of any individual;
  - (2) use indecent, offensive or insulting language;
  - (3) speak on any subject other than the subject in debate;
  - (4) where a matter has been discussed in a meeting or part of a meeting closed to the public (closed session) and where the matter remains confidential, disclose the content of the matter or the substance of deliberations of the closed session meeting; (0300-2016)
  - (5) disobey the rules of the Council or a decision of the Chair on questions of order or practice or the interpretation of the Rules;
25. Where a Member persists in any such disobedience or conduct contrary to the provisions of this section, after having been called to order by the Chair:
- (1) the Chair shall forthwith put the question that the member be ordered to leave his/her seat for the duration of the Meeting, and adjournments, amendments or debates shall not be allowed upon such question;
  - (2) if the question carries, the Chair will order the Member to leave the Council Chamber for the remainder of the Meeting; and

- (3) if the Member advises the Clerk that the Member wishes to apologize to Council, the Clerk will inform the Chair, who will permit the Member to do so, and with Council's consent, the Member may return to his/her seat.
26. (1) A Member may initially speak on an item of business or motion for five minutes inclusive of questions and responses unless otherwise determined by the Chair. (0300-2016)
  - (2) No Member shall speak more than once on an item of business until every member who desires to speak has spoken.
  - (3) Any Member, including the mover of the motion, wishing to speak on an item of business a second time may do so for a further five minutes inclusive of questions and responses unless determined otherwise by the Chair. (0300-2016)
  - (4) Any member of General Committee and/or Planning and Development Committee may speak to an item of business for five (5) minutes and any Member of General Committee and/or Planning and Development Committee wishing to speak to an item of business for a second time may do so for a further five (5) minutes. (0305-2015, 0028-2018)

#### **PUBLIC AT COUNCIL AND COMMITTEE MEETINGS**

27. Members of the public present during a Council or Committee meeting shall maintain order and quiet and shall not address Council or the Committee except with the permission of Council or the Committee.
28. No person shall display signs or placards, applaud participants in debate or engage in conversation or other behavior which may disrupt the proceedings of Council or the Committee.
29. No person shall bring into the Council Chamber or Committee meeting room food or drinks, cellular telephones, pagers or other electronic devices which emit a sound unless such devices are turned off or silenced, or in the case of food and drinks, are not considered by the Mayor or Chair of the Committee to be disruptive to the meeting.
30. When invited to address Council or a Committee, no person shall use indecent, offensive or insulting language or speak disrespectfully of the Royal Family, the Governor General, the Lieutenant Governor of any Province, any member of the Federal, Provincial or Regional Council, any Member of Council, any employee of the City, or of any individual;
31. Any person, not being a member of Council, who contravenes any provision of this section may be expelled from the Meeting by the Chair.



## **ORDER OF BUSINESS**

32. The Clerk will prepare an Agenda for regular meetings of Council and the business of Council shall be taken up in the order in which it appears on the Agenda, under the following headings:
- (i) Call to Order;
  - (ii) Indigenous Land Statement (0028-2018)
  - (iii) Approval of Agenda;
  - (iv) Declarations of Conflict of Interest;
  - (v) Minutes of Previous Council Meetings;
  - (vi) Presentations;
  - (vii) Deputations;
  - (viii) Public Question Period;
  - (ix) Matters Pertaining to COVID-19; (0244-2020)
  - (x) Consent Agenda
  - (xi) Introduction and Consideration of Corporate Reports
  - (xii) Presentation of Committee Reports;
  - (xiii) Unfinished Business;
  - (xiv) Petitions;
  - (xv) Correspondence;
  - (xvi) Notices of Motion;
  - (xvii) Motions;
  - (xviii) Introduction and Consideration of By-laws;
  - (xix) Matters pertaining to Region of Peel Council (0300-2016)
  - (xx) Enquiries;
  - (xxi) Other Business and Announcements;
  - (xxii) Closed Session (if applicable);

- (xxiii) Confirmatory Bill;
  - (xxiv) Adjournment.
33. The recommendations of a Committee embodied in a report to Council are:
- (1) the main Motion(s) when the clause is called;
  - (2) deemed to have been moved; and
  - (3) deemed to have been adopted by Council without any amendments unless Council decides otherwise.
34. Notwithstanding the Order of Business set out in Section 32, Council may otherwise direct that business be considered in a different order.
35. Where the same or related subject-matters appear in more than one place on the Agenda, Council may deal with all items related to the matter together, deal with such items in the order they appear on the Agenda or refer the items for consolidation into one report.
36. Despite Sections 32 to 35, no new matters shall be added to an agenda after Public Question Period.

**DEPUTATIONS, QUESTION PERIOD AND CONSENT AGENDA** (0244-2020)

37. Any person wishing to address Council on any matter shall submit a request to the Clerk by 4:00 p.m. eight business days prior to the meeting at which the person desires to be heard, stating the nature of the business to be discussed.
38. (1) For the purposes of Section 37, the Clerk shall determine the appropriate committee or meeting date that a request for deputation may be listed. (0244-2020)
- (2) Notwithstanding Section 37 and 39, requests for deputation to Council regarding matters that have previously been made at a Committee will be denied if the report from the Committee meeting that the deputation was made to is being considered at the Council meeting. (0244-2020)
39. Any person wishing to address Council on a matter on the agenda shall submit a request to the Clerk by 4:00 p.m. two days prior to the meeting.
40. A person granted permission to address Council shall confine their remarks to the stated business.
41. (1) Each deputation to Council shall be limited to speaking not more than five minutes in total. (0011-2017, 0244-2020)
- (2) Notwithstanding Subsection 41(1), Council may pass a motion to extend the length of time allotted to a deputation. (0011-2017, 0244-2020)

42. The Agenda for all Council meetings shall include a Public Question Period, subject to the following provisions: (0011-2017)
- (1) persons invited to address Council during Public Question Period shall be restricted to questions pertaining to subjects that appear on the Agenda for that specific Council meeting;
  - (2) persons invited to address Council with a question shall be limited to a preamble to their question of a maximum of two statements sufficient to establish the context for the question. The Chair shall direct more extensive comments or presentations to the Clerk for addition to a future agenda as a delegation;
  - (3) Public Question Period shall be limited to a total of 15 minutes; and each individual addressing Council shall be limited to speaking not more than five minutes in total.
  - (4) despite subsection (3) of this section, a motion passed by a majority of the Council Members present may extend the length of time allotted to the Public Question Period at any meeting;
  - (5) where a response to a question posed to Council under the provisions of this section is not available at the meeting, a written response shall be provided by City staff before the matter under discussion is finalized at Council.
43. (a) After Public Question period, the Mayor or Chair of General Committee shall call for items to be included in the Consent Agenda; (0011-2017)
- i. If a Member of Council or General Committee identifies that they wish to speak to a matter, it shall not be included in the Consent Agenda and shall be dealt with separately in the order in which the item appears on the agenda; (0011-2017)
  - ii. In the event that a Member declares a conflict of interest on an item, that item shall not be included in the Consent Motion and shall be dealt with separately in the order in which the item appears on the agenda; (0011-2017)
  - iii. All items listed under the Consent Agenda shall be voted on through one Consent Motion and that motion shall be neither debatable nor amendable. (0011-2017)

### **MOTIONS - COUNCIL AND COMMITTEES**

44. A Notice of Motion shall be in writing and signed by the Mover and shall be received by the Clerk by 4:00 p.m. on the Wednesday preceding a regular meeting of Council for inclusion in the Agenda for that meeting of Council.
45. The Mover of a Motion submitted under section 44 may, when the Motion is called by the Chair for Council's consideration, request the matter be deferred to the next regular meeting of Council and if the matter is not deferred, the Motion shall be considered by Council.

46. When a Notice of Motion has been on the Agenda for two successive meetings after notice has been given, and not proceeded with, it shall be deemed withdrawn unless Council decides otherwise.
47. Except as provided for in sections 49 and 50, every Motion and proposed amendment shall be in writing and signed by the Mover and Seconder and presented through the Chair before being debated or put to a vote.
48. A Motion or an Amendment to a Motion shall be moved before a Member speaks to the Motion.
49. Despite section 47, Motions respecting the following matters may be introduced orally without written notice and without leave:
  - (1) a Point of Order or Personal Privilege;
  - (2) a Motion to Defer decision on a question;
  - (3) presentation of a Petition;
  - (4) a Motion to Refer a matter;
  - (5) a Motion to Withdraw a Motion before the Chair;
  - (6) a Motion to Recess;
  - (7) a Motion to call the Vote on a question;
  - (8) a Motion that Council move into Committee of the Whole, or that Committee of the Whole rise and return to Council;
  - (9) a Motion to Divide the Question;
  - (10) a Motion to Request Short Reading of a Motion which is provided to Council in written format;
  - (11) a Motion to Enact a By-law;
  - (12) a Motion to Continue a Council Meeting beyond 11:00 p.m.;
  - (13) a Motion to move into, or out of, Closed Session;
  - (14) a Motion to change the Order of Business;
  - (15) a Motion to move to a Closed Session; or (0300-2016)
  - (16) a Motion to Adjourn.
  - (17) a Motion to Adopt the Minutes of a meeting.

50. The following are deemed to be procedural Motions and shall be considered in the following order:
- (1) to change the Order of Business;
  - (2) to Adjourn or to Fix the Time to Adjourn;
  - (3) that the Vote be taken now;
  - (4) that Council resolve itself into Committee of the Whole;
  - (5) Motions to Refer;
  - (6) Motions to Defer.
51. No Member shall present a Motion on any matter to Council for its consideration unless:
- (1) the Motion is relevant to a matter that appears on the Agenda for that meeting of the Council; or
  - (2) Leave is granted to deal with a matter not on the agenda; or
  - (3) the Motion relates to a matter which for reasons of emergency, health or safety, or legal deadline, cannot be first considered by the appropriate Committee of Council.
52. After a Motion is moved in Council, it shall be deemed to be in the possession of Council and may only be withdrawn with the leave of Council and only prior to a decision or amendment on such Motion has been rendered by the Council.

### **REQUIREMENT FOR DISPOSITION**

53. A Motion properly before Council for decision must receive disposition before any other motion can be received for debate, except where:
- (a) a Motion on procedure has been made to Amend, to Defer decision on the question, to Refer the matter, to Call the vote on the question, or to extend the hour of closing proceedings; or
  - (b) the Meeting has failed for lack of a quorum.

### **MOTION TO AMEND**

54. (1) A Motion to Amend the main question shall:
- (a) be relevant to the main question received by the Chair;
  - (b) not be a direct negative to the main question;
  - (c) receive the disposition of Council before any prior motion for amendment; and

- (d) receive disposition of Council before the main question.
- (2) Only one motion to amend an amendment motion shall be allowed.
- (3) A Motion of Referral may be amended to identify an alternate body to which the matter be referred, or for the purpose of giving additional instructions to the body to which the matter is referred.

### **DIVIDED MOTION**

55. When a question has been divided with the leave of Council, debate shall be restricted to each proposal in its turn.

### **MOTION TO CALL VOTE ON A QUESTION**

56. (1) A Motion to Call the Vote on a Question shall:
- (a) not be amended;
  - (b) not be proposed when there is a motion for amendment under consideration; and
  - (c) preclude all amendments of the main question, once made.
- (2) When a Motion to Call the Vote on a Question is resolved in the affirmative, the vote is to be taken without debate or consideration of amendment.

### **MOTION TO DEFER**

57. A Motion to Defer or adjourn debate shall:
- (a) always be in order, except as provided in this Section;
  - (b) be put immediately without debate;
  - (c) not be made again, when resolved in the negative, until after an intermediate proceeding has been completed by Council;
  - (d) be deemed not to be in order in any of the following circumstances:
    - (i) when a Member is speaking;
    - (ii) during the verification of a vote;
    - (iii) immediately following the affirmative note on a Motion to Call the Vote on a Question.

### **MOTION FINALLY PUT**

58. After a question is finally put by the Chair:
- (1) no Member shall speak to the question nor shall any other Motion be made, until after the vote is taken and the result declared by the Mayor, Acting Mayor, or Chair; and
  - (2) no Member absent from the Council Chamber (not including Members who are permitted to participate electronically) when the question is put shall vote on a question. (46-20)
59. (1) On the result of a vote taken pursuant to Section 58 of this By-law, a Member may request that the vote be taken again, provided that the request is made immediately after such declaration of the results.
- (2) When requested by a Member, the Chair, shall again take the vote on the question.

### **MOTION TO RECONSIDER**

60. (1) Subject to this section, no matter after being decided by Council shall be reconsidered for one year following the date of the decision of Council without first passing a Motion to Reconsider.
- (2) A Motion to Reconsider may not be made at the same meeting that the decision proposed for reconsideration was made.
- (3) A Motion to Reconsider can only be made by a Member who voted on the prevailing side.
- (4) No discussion of the main question shall be allowed until the Motion for Reconsideration is carried.
- (5) A Motion to Reconsider may not be introduced, without notice, unless the Council, without debate, dispenses with notice.
- (6) Once the matter is reopened, it is reopened in its entirety unless the Motion to Reconsider specifies otherwise.
- (7) If the question is reopened, all previous decisions of Council remain in force unless Council decides otherwise.

### **CONFIRMATORY BILL**

61. (1) Upon completion of the business of the day or at any other time Council deems it appropriate, the Chair shall, upon a Motion for the introduction of a Confirmatory Bill, duly moved and seconded, put the following Motion, which is not debatable: “that a confirmatory bill to confirm the proceedings of the Council meeting (or part thereof) be passed and hereby declared as a by-law”.

- (2) Passage of a Confirmatory By-law does not in any way remove, and is not a substitute for, the requirement of a specific by-law authorizing the execution of any agreements.

### **MOTION TO ADJOURN**

62. A Motion to Adjourn Council shall:

- (a) be in order, except:
- (i) when a Member is speaking;
  - (ii) during the verification of a vote; or
  - (iii) immediately following the affirmative vote on a motion to call the vote on a question.
- (b) be put immediately without debate;
- (c) not be made again, when resolved in the negative, until after an intermediate proceeding has been completed by Council;
- (d) not be amended.

### **RULES OF VOTING**

63. (1) (a) A recorded vote shall be taken on the following; (0300-2016, 0028-2018)
- Consent Agenda
  - Introduction and Consideration of Corporate Reports
  - Presentation of Committee Reports
  - Notice of Motion
  - Motions
- (b) Notwithstanding clause 63(1)(a) a Member may request that a vote be recorded, if the request is made prior to the vote being taken. (0300-2016)
- (2) If a Motion contains distinct parts, a Member may require separate votes on any or all parts. (0300-2016)
- (3) In the case of electronic voting or where a Member is permitted to participate electronically, the Chair shall ask all Members to vote on the question whether they are in favour or opposed to its adoption except for those Members who have declared a personal conflict. (0300-2016, 0046-2020, 0244-2020)
- (a) Should there be no electronic system available, when putting the question to vote, the Chair shall first ask for those in favour of its adoption to signal their vote and then ask for those opposed to its adoption to signal their vote. (0300-2016)



- (b) Every Member present shall vote on every motion unless a Member indicates a conflict of interest, in which case the Member shall recuse him/herself. (0300-2016)
- (c) The Clerk shall announce or display the result of every vote that is a recorded vote. (0300-2016)
- (d) The result of the vote may be publicly displayed and will be included in the record of the meetings, including the recusals. (0300-2016)
- (e) If a Member fails to vote and has not declared a personal conflict, the Member's vote will be recorded in the negative. (0300-2016)
- (f) If there is an equality of votes on any question, the vote shall be deemed to be lost. (0300-2016)
- (g) The number of Members constituting the Council shall be determined by excluding: (0300-2016)
  - (i) the number of Members who are present at the meeting but who are excluded from voting by reason of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c M.50, and; (0300-2016)
  - (ii) the number of seats that are vacant on the Council by the reason of section 259(1) of the Municipal Act, 2001, S.O. 2001, c,25, as amended (the "Municipal Act") (0300-2016)

64. A Motion "that the vote be taken" may be moved at any time by the Member who is speaking and will put to a vote immediately, without debate, and, if carried, the motion will be voted on without further debate.

65. When the Chair calls for a vote on a question, each Member, other than a Member who is permitted to participate electronically, shall occupy his/her seat and shall remain in his/her seat until the result of the vote has been declared by the Chair, and during such time no Member shall leave his/her seat or speak to any other Member or make any noise or disturbance. (0046-2020)

66. Motions will be voted on in the following order:

- (1) Receipt Motion
- (2) Referrals
- (3) Deferrals
- (4) Amendments, in the order moved.
- (5) Main motion.

## **MINUTES**

67. (1) Unless otherwise decided by the Council, the Minutes of each Meeting of the Council shall be submitted for confirmation or amendment to the Council at its next regular meeting or as soon thereafter as is reasonably practicable.
- (2) Once adopted by Council, the Minutes shall be signed by the Mayor or Acting Mayor and the Clerk.
- (3) The Clerk is authorized to make minor technical or clerical corrections to the Minutes or Resolutions after they have been adopted by Council, with appropriate notation included in the Minutes identifying the correction, so long as the intent and integrity of the information and /or resolution is not changed.

## **BILLS**

68. (1) No Bill shall be presented to Council as a Bill unless the subject matter thereof has been considered and approved by the Council.
- (2) Any number of Bills may be introduced together in one motion, and it may be referred to only by number, but the Council shall, at the request of any Member, deal separately with any Bill.
- (3) A Motion to Enact a By-law other than a Confirmatory By-law is debatable and amendable in respect only of the issues of whether or not the Bill prepared for that purpose is in proper form and whether it will, if enacted as a by-law, duly implement the decision of the Council that lead to its introduction, and no debate shall be allowed which would involve a reconsideration of or reflection upon the substance of such decision or of any part thereof.
69. (1) The Clerk is hereby authorized to make such minor deletions, additions or other changes in form, to any Bill before same is signed, sealed and numbered, for ensuring correct and complete implementation of the actions of Council forming the subject-matter of the Bill in accordance with this by-law.
- (2) All amendments to any Bill approved by the Council shall be deemed to be incorporated into the Bill and if the Bill is enacted and passed by the Council as a by-law, the amendments shall be inserted therein by the Clerk.
- (3) The Clerk is authorized to make the following changes to by-laws after enactment by Council:
- (a) Correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature.
- (b) Alter the style or presentation of text or graphics to improve electronic or print presentation.
- (c) Correct errors in the numbering of provisions or other portions of a by-law and make any changes in cross-reference that are required as a result.

## **PART IV – COMMITTEES OF COUNCIL**

### **COMMITTEE OF THE WHOLE**

70. (1) There shall be a Committee of the Whole, which shall be the Council sitting as Committee of the Whole.
- (2) The rules governing the procedure of Council and the conduct of Members of Council shall be observed in Committee of the Whole, insofar as they are applicable, excepting that motions may be moved and seconded orally.

### **STANDING COMMITTEE**

71. (1) There shall be the following Standing Committees of Council: (0305-2015)
- (a) Audit Committee;
  - (b) Budget Committee;
  - (c) General Committee;
  - (d) Planning and Development Committee; and
- (2) Council may establish one or more Advisory Committees subject to the criteria established in Schedule A to this By-law.
- (3) Council may establish, one or more Ad Hoc Committees.
- (4) A Committee of Council may establish a Subcommittee.

### **JURISDICTION**

72. (1) Any Standing Committee established pursuant to subsection 71(1) of this By-law:
- (a) shall be responsible for formulating major and general policies for recommendation to Council;
  - (b) shall consider such other matters as may be referred to it from time to time by the Council or any Committee of the Council;
  - (c) The Audit Committee shall be subject to the By-laws enacted by Council for the regulation of the matters assigned, and for the operations and perimeters on the matters delegated to the Audit Committee.
- (2) Any Advisory Committee established pursuant to subsection 71(2) of this By-law:

- (a) shall be responsible for the review of one or more matters assigned to it by the Council, and the formulation of recommendations on such matters; and
  - (b) shall consider such other matters as may be referred to it from time to time by the Council or any Committee of the Council; and
  - (c) shall be subject to any Terms of Reference for the particular Advisory Committee, adopted by Council from time to time.
  - (d) shall report to the appropriate Standing Committee, as determined by the Clerk, on an annual basis.
- (3) Any Ad Hoc Committee established pursuant to subsection 71(3) of this By-law:
- (a) shall be responsible for the review of one or more matters assigned to it by the Council, and the formulation of recommendations on such matters; and
  - (b) shall consider such other matters as may be referred to it by the Council or any Committee of the Council; and
  - (c) shall be subject to any Terms of Reference for the particular Ad Hoc Committee, adopted by Council.

## **COMPOSITION**

73. (1) All Standing Committees shall consist of all Members of Council except:
- (a) Audit Committee, which shall consist of the Mayor and four other Members of Council; and (0244-2020)
  - (b) Planning and Development Committee, which shall consist of the Mayor and nine other Members of Council. (0244-2020)
- (1.1) For greater clarity, any Members of Council not described in subsection (1)(b) may attend Planning and Development Committee meetings as ex-officio members and are afforded the same powers and privileges as Members of Planning and Development Committee as set out in this By-law. (0244-2020)
- (2) Any Advisory Committee established pursuant to subsection 71(2) of this By-law shall consist of such number of Council Members and citizen representatives, as determined by Council.
  - (3) Any Ad Hoc Committee established pursuant to subsection 71(3) of this By-law shall consist of such number of Council Members, citizen and staff representatives, as determined by Council.
  - (4) Any Subcommittee established, pursuant to subsection 71(4) of this By-law, shall consist of such Members of the parent Committee, as may be determined by such parent Committee and any other member approved by Council.

- (5) The Mayor shall be an *ex officio* member of any Advisory, Ad Hoc or other Committee struck by Council.

### **APPOINTMENTS**

74. (1) The Members of a Standing Committee established pursuant to subsection 71(1) of this By-law shall be appointed by Resolution of Council.
- (2) The Members of an Advisory Committee established pursuant to subsection 71(2) of this By-law shall be appointed by Resolution of Council.
- (3) (a) The Members of an Ad Hoc Committee established pursuant to subsection 71(3) of this By-law shall be appointed by Resolution of Council.
- (b) Despite clause (a) of this subsection, Council may direct the appointed Members to invite additional members of the public to participate in a volunteer capacity on an Ad Hoc Committee, with leave from the requirement that these volunteers be formally appointed by Resolution of Council.

### **TERM OF OFFICE**

75. (1) The term of office for Members of any Standing Committee shall be the term of the Council, or until successor(s) are appointed
- (2) The Members of an Advisory Committee shall hold office for the term as may be determined by the Council in its Resolution of appointment, or until appointment of successor(s).
- (3) The term of office for Members of an Ad Hoc Committee, including both appointed and volunteer Members, shall end upon completion of the assigned task(s) and the subsequent reporting by such Ad Hoc Committee of its findings to General Committee, unless otherwise directed by Council.
- (4) The term of office for Members of a Subcommittee shall end upon completion of the assigned task(s) and the subsequent submission of the Subcommittee's findings to the parent Committee, unless otherwise directed by Council.

### **VACANCIES**

76. (1) Except where the Terms of Reference of a Committee provide otherwise, the seat of a Member of a Committee shall be declared vacant if the Member is absent from the meetings of the Committee for three (3) consecutive months unless the Member is authorized: (0244-2020)
- (a) to be absent by a Resolution of Council; or (0244-2020)

(b) in accordance with the City's Pregnancy Leave/Parental Leave Policy (01-06-05) (0244-2020)

- (1.1) For greater clarity, the applicable period of time set out in subsection (1) for citizen appointed Members of a Committee shall be three (3) consecutive meetings. (0244-2020)
- (2) In any case where the seat of an appointed Member of an Advisory or an Ad Hoc Committee is declared vacant, the filling of the vacancy shall be made by Resolution of Council.
- (3) Subsections (1) and (2) of this Section shall not apply to Members of the Accessibility Advisory Committee or volunteer Members of an Ad Hoc Committee.

## **EXCEPTIONS, RULES OF ORDER AND DEBATE IN COMMITTEE MEETINGS**

### **PROCEDURES**

77. (1) For Meetings of a Committee, other than Audit Committee, the following exceptions to the rules of order and debate apply; (0300-2016)
  - (a) A Motion shall not be required to be seconded.
  - (b) Voting for Standing Committees shall be undertaken in accordance with Section 63 of this By-law.
  - (c) The vote on any particular item shall not be a recorded vote.
  - (d) Every Member present at a Meeting must vote on all matters, unless he or she declares a personal conflict on the matter. If a Member fails to vote and has not declared a personal conflict, the Member is deemed to have voted in the negative.
  - (e) If a Motion contains distinct parts, a Member may require separate votes on any or all parts
  - (f) The Chair shall first ask for those in a favour of adoption of the question to signal their vote and then ask for those opposed to its adoption to signal their vote.
  - (g) The Chair shall declare the results of the vote.
  - (h) If a Member disagrees with the announced results of any vote, the Member must object immediately to require that the vote be retaken.
  - (i) If there is an equality of votes on any question, the vote shall deemed to be lost.

- (j) Notwithstanding clause (c) of this subsection, any Member may require that his/her vote be recorded in the minutes of the meeting as being opposed to a motion.
- (k) Notwithstanding Section 60 of this By-law, at the request of any Member of a Committee, any item on the Agenda of a Committee Meeting may be reconsidered prior to the adjournment of such Meeting, subject to the concurrence of a majority of the Members present
- (l) A Notice of Motion, as contemplated in Section 44 of this By-law, shall not be presented at a meeting of a Committee.
- (m) The Chair of a Committee (not including Planning and Development Committee) shall call for items to be included in the Consent Agenda and the provisions of Section 43 of this By-law shall apply. (0011-2017, 0244-2020)
- (2)
  - (a) Any person wishing to address a Committee on any matter prior to the posting of the relevant meeting's Agenda, shall submit a request to the Clerk by 4:00 p.m. eight business days prior to the meeting at which the person desires to be heard, stating the nature of the business to be discussed.
  - (b) Any person wishing to address a Committee on a matter on the relevant meeting's Agenda shall submit a request to the Clerk by 4:00 p.m. two business days prior to the meeting.
  - (c) A person granted permission to address a Committee shall confine their remarks to the stated business.
  - (d) Each deputation to a Committee shall be limited to not more than ten minutes in total, not including Planning and Development Committee where deputations will be limited to five minutes in total. (0244-2020)
  - (e) Despite clause (d) of this subsection, a motion passed by a majority of the Committee Members present may extend the length of time allotted to a deputation. (0244-2020)
  - (f) Clause (b) of this subsection, does not apply to a person afforded to be heard on a matter by the authority of statute, including:
    - (i) a person addressing the Planning and Development Committee on a matter which is the subject of a public meeting or hearing for which notice was required pursuant to the Planning Act, R.S.O. 1990, c.P-13 as amended;
  - (g) Notwithstanding subsection (d), an Applicant (including any persons speaking on their behalf) related to a report on the Agenda of a statutorily required meeting of Planning and Development Committee may make a deputation which shall collectively be limited to twenty minutes (0244-2020)

- (3) The Agenda for all Committee (not including Planning and Development Committee) meetings shall include a Public Question Period in accordance with section 42 of this By-law. (0300-2016, 0244-2020)

## **EXCEPTIONS, PROCEDURES IN COMMITTEE MEETINGS**

### **CHAIR, STANDING COMMITTEES**

78. (1) The Chair of a Standing Committee shall be appointed as follows:
  - (a) The Chair of the Audit Committee shall be appointed from its membership at the first meeting of the term;
  - (b) The Chair of the Budget Committee shall be the Mayor or the Acting Mayor;
  - (c) The Chair of General Committee shall be a Member of Council and assigned on a rotating basis; (0305-2015, 0300-2016)
  - (d) The Chair of Planning and Development Committee shall be appointed from its membership at the first meeting of the term. (0300-2016)
- (2) (a) The Chair and Vice-Chair of an Advisory Committee or Ad Hoc Committee, unless appointed by Council at the time the Committee was established, shall be recommended at the first meeting of the Committee, and reported to Council for ratification.
  - (b) Any recommendation of an Advisory Committee or an Ad Hoc Committee for appointment to the office of Chair and Vice-Chair, as contemplated in clause (a) of this subsection, shall not be effective until adopted by Council.
- (3) The Chair of a Committee may vote on all questions submitted to the Committee.
- (4) In the absence of both the appointed Chair and Vice-Chair of any Committee, the Members may appoint from among those Members present at the Meeting, an Acting Chair to preside that particular meeting.

## **SCHEDULING COMMITTEE MEETINGS**

### **STANDING COMMITTEES**

79. (1) Meetings of the Standing Committees of Council shall be scheduled by the Clerk on the following basis: (0305-2015)
  - (a) The Audit Committee is to meet at least four (4) times a year, and during a municipal election year, the Audit Committee shall meet at least 3 times a year, and, when necessary, additional meetings may be held at the call of the Audit Committee Chair or Clerk. (0305-2015)



- (b) Budget Committee is to meet at least one (1) time per year to deliberate on each of the Capital Budget and the Current Budget.
  - (c) General Committee is to meet at 9:30 a.m. on two week intervals, or as determined by the Clerk. (0300-2016, 0244-2020)
  - (d) Planning and Development Committee is to meet at 6:00 p.m. on three week intervals, or as determined by the Clerk. The time for Planning and Development Committee meetings may be adjusted by the Clerk to accommodate the number of items for consideration. (0244-2020)
- (2) Meetings of Advisory Committees and Ad Hoc Committees of Council shall be scheduled by the Clerk on the following basis:
- (a) The date and time of the first meeting of any such Committee shall be determined by the Clerk after first canvassing the Committee's membership.
  - (b) Unless otherwise set in the Terms of Reference for any such Committee, the next and each succeeding meeting of shall be held on a regular basis as determined by the Committee, or at the call of its Chair.
- (3) Despite the guidelines in subsections (1) and (2) of this Section, the scheduling of Committee meetings may be amended from time to time by the Clerk to recognize insufficient agenda items or identified scheduling conflicts.

## **PROCEEDINGS FOR COMMITTEE MEETINGS**

### **OPEN MEETINGS**

80. (1) All Meetings shall be open to the public, except as otherwise provided by law, or as set out in subsection (2) of this Section.
- (2) A Meeting or part of a Meeting of a Standing Committee may be closed to the public if the subject matter being considered includes any one or more of the following matters:
- (a) the security of the property of the municipality;
  - (b) personal matters about an identifiable individual, including a municipal employee;
  - (c) a proposed or pending acquisition or disposal of land for municipal purposes;
  - (d) labour relations or employee negotiations;
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality; and

- (f) advice that is subject to solicitor-client privilege, including communication necessary for that purpose;
- (g) a matter in respect of which the Committee may hold a closed meeting under another Act; and
- (h) an educational or training session for the members of Committee, provided that no member discusses or otherwise deals with the matter in a way that materially advances the business or decision –making of the Committee.

### **QUORUM COMMITTEES**

81. (1) A quorum for each of the Budget Committee, General Committee and the Planning and Development Committee is established by the presence of a majority of the Members of such Committee. (0305-2015)
- (2) Despite subsection (1) of this Section, a quorum for the Audit Committee is established by the presence of three (3) Members of Audit Committee.
- (3) A quorum for an Advisory Committee or an Ad Hoc Committee, except where any Terms of Reference otherwise provide, is established by the presence of a majority of the Members of such Committee.
- (4) A quorum for a Subcommittee shall be established by the presence of a majority of its Members.

### **NOTICE OF MEETING, COMMITTEES**

82. (1) The Clerk shall give notice of each regular and any special meeting of a Committee, to the Members of such Committee by delivery of an Agenda, identifying the date, time and location at which the meeting is scheduled, and listing the matters to be considered at the meeting.
- (2) The Agenda required under subsection (1) including any additional agendas, shall be delivered to the Members no later than twenty-four (24) hours preceding the time at which the meeting is scheduled to commence. (0244-2020)
- (3) Despite subsections (1) and (2) of this Section, the time of delivery of the notice for a Subcommittee meeting may be altered by the direction of the Subcommittee.
- (4) Notice of meetings of Committees shall be given to the public by posting the date and time of the meeting on the Council and Committee Calendar on the City website.

### **UNFINISHED BUSINESS, COMMITTEES**

83. Unless otherwise directed by the Committee, an item of business not disposed of by a Committee, shall be placed on the Agenda of the next regular meeting of Council, under the heading “Unfinished Business”.

## **REPORTING, COMMITTEES**

84. (1) Standing Committees shall report to Council.
- (2) Advisory Committees shall report to the General Committee. (0300-2016)
- (3) (a) Ad Hoc Committees shall report to General Committee.
- (b) Upon direction of Council, an Ad Hoc Committee shall report its findings to General Committee, by way of a Corporate Report.
- (4) A Subcommittee shall report directly to the parent Committee.

## **MINUTES, COMMITTEE**

85. (1) The Clerk shall record the proceedings of the Meetings of the Committees of Council, in the form of annotated Minutes.
- (2) The Minutes of a meeting of a Standing Committee shall be distributed to the Members of such Standing Committee for information, and shall not require adoption by that Standing Committee or the Council to give effect to any direction of the Committee, or a request made by a Committee Member, which is not represented in the Committee's recommendations to Council.
- (3) Despite subsection (2) of this Section:
- (a) The Minutes of the Planning and Development Committee and Audit Committee meetings shall be presented for adoption by that Committee, at the next succeeding meeting of the Committee
- (b) The Minutes of an Advisory Committee or an Ad Hoc Committee meeting shall be presented at the next succeeding meeting of such Committee for adoption by that Committee.
- (c) The Clerk is authorized to make minor technical or clerical corrections to the Minutes or Resolutions after they have been adopted, with appropriate notation included in the minutes identifying the correction, so long as the intent and integrity of the information and /or resolution is not changed.

## **DISBANDING, COMMITTEES**

86. (1) An Ad Hoc Committee shall be considered disbanded upon completion of the assigned task(s) and submission of its findings.
- (2) A Subcommittee shall be considered disbanded upon completion of the assigned task(s) and submission of its findings.

## **CLERK'S DUTIES**

87. (1) The Clerk shall be the Secretary of all Committees of the Council and may assign any such duties as Secretary of any Committee to an employee, but may continue to exercise the duties despite the delegation.
- (2) The Clerk may assign to any employee, the Clerk's duties related to the giving of notice and the recording of the proceedings of meetings of Council and its Committees, but may continue to exercise the duties despite the delegation.
- (3) Every by-law, upon enactment, shall be signed by the Mayor or the Acting Mayor, and, the Clerk or Deputy Clerk, with the date of enactment thereof entered and the Corporate Seal of The Corporation of the City of Mississauga affixed thereto.

## **CITY SOLICITOR**

88. (1) The City Solicitor is authorized to commence or to defend any proceeding, appeal, or other form of action in a court or before an administrative tribunal to meet statutory or regulatory time limits and to seek costs where appropriate in accordance with the rules of the Court or Tribunal.
- (2) The City Solicitor shall report to Council at the first available opportunity on such any action taken, and Council shall determine whether the matter should be continued or discontinued.
- (3) The City Solicitor or any person he or she authorizes, is delegated the authority to commence, defend, settle or terminate legal actions for all matters within the jurisdiction of the Small Claims Court. (0028-2018)
- (4) The City Solicitor be authorized to enter into Tolling Agreements to protect the City's interests, where he or she determines it is appropriate. (0028-2018)
- (5) Where deemed appropriate by the responsible Director, City staff are authorized to enter into Non-Disclosure Agreements on behalf of the City in a form and content satisfactory to the City Solicitor for the purposes of obtaining confidential or commercial third party information. (0028-2018)
- (6) The City Solicitor or any person he or she authorizes, is delegated the authority to commence, defend, settle and terminate all legal actions respecting collection matters proceeding in the Superior Court in the amount of \$25,000.00 and above. (0028-2018)

## **DELEGATION TO STAFF DURING SUMMER AND ELECTION RECESS**

89. Council delegates authorization to enter into certain agreements and execute certain matters to allow staff to continue business operations during Council's Summer and Election Recess subject to the following:  
(0046-2020, 0190-2020)

- (1) Despite the provisions of the City's Purchasing By-law 374-06, as amended, or its successors, Council delegates to the City Manager (or designate) the authority to approve high value single/sole source acquisitions and amendments, as defined in the Purchasing By-law 374-06, where appropriate. Such delegation of authority shall be exercised only after:
  - (a) the circulation of a summary of the details of the acquisition or amendment, as applicable, to the Mayor and all Members of Council 14 days prior to the execution of such authority; and
  - (b) no objection is raised by the Mayor or any Member of Council within such 14 days.
- (2) Council delegates to the City Solicitor the authority to bring an application to the Superior Court to restrain a contravention of a City bylaw or a statute enforced by City staff.
- (3) Despite the provisions of the City's Noise Control Bylaw 360-79, as amended, or its successors, Council delegates to the Commissioner of Transportation and Works (or designate) the authority to approve exemptions, where appropriate, under the Noise Control Bylaw 360-79, as amended, or its successors, subject to advance notification to the applicable Ward Councillor prior to the exercise of such delegation powers.
- (4) Council delegates to the Commissioner of Transportation and Works (or designate) the authority to approve traffic amendments and close a highway temporarily, subject to advance notification to the applicable Ward Councillor prior to the exercise of such delegation powers. Any applicable amendments as may be required to the Traffic By-law 555-00, as amended, or its successors, shall be confirmed by council at the next available Council meeting.
- (5) Unless otherwise specifically delegated by another by-law, Council delegates the authority to approve assumption agreements and standard agreements for development approvals to the Commissioner of Community Services (or designate), the Commissioner of Corporate Services (or designate), the Commissioner of Planning and Building (or designate) or the Commissioner of Transportation and Works (or designate), as applicable, under the City's development approval process.
- (6) Council delegates to the City Clerk the authority to approve Liquor License Extensions for festivals and restaurants, and to provide any other applicable municipal approvals required for the granting of a Special Occasion Permit under the Liquor License Act by the Alcohol and Gaming Commission of Ontario. Such delegated authority shall include the authority to declare an event to be of Municipal Significance, which may be declared only after:
  - (a) the circulation of a summary of the details of the event to the Mayor and all Members of Council 14 days prior to the declaration; and

- (b) no objection is raised by the Mayor and any Member of Council within such 14 days.
- (7) Council delegates the authority to enter into funding agreements in a form satisfactory to the Legal Services, where the City is receiving funds, to the Commissioner of the originating department (or his/her designate).
- (8) Council delegates to the Director, Culture Division (or designate), upon consultation with the City's Heritage Advisory Committee as may be required, the authority to: (0112-2017)
  - a. consider applications to repeal designating by-laws and either give notice of decision to refuse the application or give notice of intention to repeal the by-law
  - b. consider application to alter property or erect, demolish or remove buildings or structures on properties designated under Parts IV and V of the Ontario Heritage Act and either consent to the application, with or without terms and conditions, or refuse the application, and give notice of decision; and
  - c. give notice of intention to designate properties.
- (9) Council delegates to the Director, Revenue, and Materiel Management (or designate), the authority to enter into an extension agreement with the owner of the land, the spouse of the owner, a mortgagee or a tenant in occupation of the land extending the period of time in which the cancellation price is to be paid if such authority is exercised prior to the expiry of the one year period following the date of the registration of a tax arrears certificate on the property.
- (10) The following matters shall continue to be approved by Council:
  - a. Agreements for municipal capital facilities;
  - b. Agreements requiring that a stand-alone bylaw be entered into, unless the agreement is a funding agreement as provided in section 87(7) or a tax extension agreement as provided in section 87(9) of this By-law;
  - c. Appointing statutory staff;
  - d. Budget matters;
  - e. Commencing or defending litigation, except as provided in this Bylaw (to meet statutory timelines);
  - f. Settling litigation, unless otherwise specifically delegated by Council;
  - g. Planning Act matters (approvals of rezoning applications, official plans or official plan amendments);
  - h. Purchase or sale of property, unless otherwise specifically delegated;

- i. The power to incorporate corporations;
  - j. Taxation matters other than the authority to enter into a tax extension agreement as provided in section 87(9) of this Bylaw; and
  - k. Any other matter where delegation of authority is prohibited by legislation.
- (11) All delegations provided in this Section shall cease once Council reconvenes following the Summer Recess and Election Recess, as the case may be. (0046-2020, 0190-2020)

### **GENERAL PROVISIONS**

90. (1) This By-law shall not be amended or repealed except by a majority vote of all Members of Council.
- (2) This By-law shall not be amended or repealed unless notice is provided in accordance with the City's Notice By-law 215-08 (or successor). (0244-2020)
- (3) No suspension of any provision of this By-law shall be considered at any meeting of the Council, or a Committee of Council, unless notice of the proposed suspension or amendment is given at a previous regular meeting of the Council.
- (4) The applicable Rules of Debate of the Provincial Legislature shall prevail in all circumstances not covered by this By-law or where there is a conflict between any two or more provisions of this By-law.
- (5) Any reference in this By-law to one or more sections of legislation of the Province of Ontario includes any successor section of legislation enacted from time to time.
- (6) Council, or a Committee of Council, shall not waive the notice requirement set out in subsections (2) and (3) of this Section.
91. Upon enactment of this By-law, By-law 421-03, as amended, is hereby repealed.
92. This By-law may be referred to as the "Council Procedure By-law".
93. This By-law shall be in force and effect upon the date of enactment.
94. If there is any discrepancy between The City's Procedure By-law and the Municipal Act, the Municipal Act takes precedence. (0300-2016)

ENACTED and PASSED this 19<sup>th</sup> day of June, 2013.

Signed by Nando Iannicca, Acting Mayor and Crystal Greer, City Clerk

## Schedule 'A' to Procedural By-law 0139-2013

### CRITERIA TO FORM A NEW ADVISORY COMMITTEE:

- A There is a statutory requirement requiring the Committee
  
- B If there is not a statutory requirement, the establishment of the Committee must fulfill five (5) of the following Criteria:
  - 1. Aligns with Strategic Plan (and other Master Plans or guiding documents).
  - 2. Requires citizen voice(s) or external stakeholder expertise to develop public policy or fulfill corporate mandate.
  - 3. Broad subject matter is handled by multiple internal divisions and or external stakeholders.
  - 4. Emerging issue of clear importance to the municipality.
  - 5. Significantly helps stream-line discussion and decision-making at Standing Committees.
  - 6. Handles work that staff do not perform.
  - 7. Needed for the long-term (minimum of five years).
  - 8. Mandate and work plan can be clearly articulated.



**Schedule “B” to the Procedural By-law 0139-2013  
Council Meetings During an Emergency Period**

(Amended by 0059-2020, 0190-2020)

**DEFINITIONS**

1. For the purposes of this Schedule “B”:
  - (1) “**Member**” means a member of Council, a Standing Committee, an Advisory Committee or an ad hoc committee;
  - (2) “**Meeting**” means a meeting of Council, a Standing Committee, an Advisory Committee or an ad hoc committee;

**ELECTRONIC MEETINGS**

2. A Meeting may be conducted electronically at the discretion of the Clerk.

**ELECTRONIC PARTICIPATION**

3. A Member is permitted to participate in a Meeting electronically that is open or closed to the public.
4. Where a Member participates in a Meeting electronically:
  - (1) the Member shall be counted in determining whether or not a quorum of members is present at any point in time; and
  - (2) the Member:
    - (a) is permitted to vote in accordance with Section 63 of this By-law;
    - (b) may provide the Clerk with a notice of Motion electronically;
    - (c) is permitted to speak on an item of business or motion in accordance with section 26 of this By-law;
    - (d) is permitted to present a Bill in accordance with section 68 of this By-law; and
    - (e) is subject to the rules and order provisions of this By-law and may be asked to leave a Meeting and will no longer be permitted to participate electronically.

### **DISCRETIONARY POWERS OF THE CLERK**

5. During a Meeting where Members are participating electronically, the Clerk shall have the authority to do the following in order for the Meeting to be conducted as effectively and efficiently as possible:
  - (1) waive compliance with any of the provisions of this By-law; or
  - (2) create new procedures
6. For greater clarity, the Clerk shall only make decisions according to section 5 of this Schedule B that maintain and uphold any and all administrative law principles of procedural fairness including (but not limited to) impartiality, the right to be heard and the duty of fairness.

### **FORCE AND EFFECT**

7. This Schedule B and any provisions in this By-law related to electronic participation in a Meeting shall be in force and effect until 12:01 a.m. on August 1, 2021.