

**THE CORPORATION OF THE CITY OF MISSISSAUGA  
COUNCIL PROCEDURE BY-LAW  
INDEX**

PART 1 - INTERPRETATION AND DEFINITIONS .....	2
PART 2 - COUNCIL MEETINGS - GENERAL.....	4
PART 3 – THE ROLE OF MEMBERS AND RULES OF ORDER AND DEBATE.....	7
PART 4 - ORDER OF BUSINESS .....	8
PART 5 - MOTIONS .....	11
PART 6 - VOTING .....	15
PART 7 - BY-LAWS.....	15
PART 8 – CONCLUDING BUSINESS .....	16
PART 9- DELEGATION TO STAFF DURING SUMMER AND ELECTION RECESS .....	17
PART 10 – GENERAL PROVISIONS.....	19
SCHEDULE “A” COMMITTEE PROCEDURES.....	21
PART 1 – DEFINITIONS.....	21
PART 2 – STANDING COMMITTEES .....	21
PART 3 - ADVISORY COMMITTEES.....	23
PART 4 - AD HOC COMMITTEES .....	24
PART 5 - SUBCOMMITTEES .....	26
PART 6 – COMMITTEES, GENERAL .....	26
PART 7 – QUASI JUDICIAL COMMITTEES .....	29
SCHEDULE “B” ELECTRONIC PARTICIPATION.....	30
PART 1 - DEFINITIONS.....	30
PART 2 - ELECTRONIC MEETINGS .....	30
PART 3 - ELECTRONIC PARTICIPATION.....	30
PART 4 - DISCRETIONARY POWERS OF THE CLERK.....	30
PART 5 - FORCE AND EFFECT .....	30
SCHEDULE “C” COVID-19 PROTOCOLS .....	31



# MISSISSAUGA

## THE CORPORATION OF THE CITY OF MISSISSAUGA

### Council Procedure By-law 0044-2022

(Amended by By-law 0154-2022, 0201-2022, 0247-2022, 0031-2023, 0188-2023, 0189-2023, 0023-2024, 0050-2024)

**WHEREAS** subsection 238(2) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the "*Municipal Act, 2001*"), every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

**AND WHEREAS** subsection 238(3.1) of the *Municipal Act, 2001*, provides that the applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting to the extent and the manner set out in the by-law;

**AND WHEREAS** subsection 239 of the *Municipal Act, 2001*, sets out the rules for when meetings of committee (as defined in section 238) may be closed to the public;

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

### **PART 1 - INTERPRETATION AND DEFINITIONS**

#### **APPLICATION AND SCOPE**

1. The rules and procedures contained in the body of this by-law shall be observed in all Meetings of Council.
2. The rules and procedures contained in Schedule "A" of this by-law shall be observed in all Meetings of a Committee.

#### **DEFINITIONS**

3. In this by-law:

**"Abstain"** means a Member who is lawfully entitled to vote and who is present at a Meeting but chooses not to exercise their right to vote on a matter. For greater clarity, this does not include where a Member is absent;

**"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, in accordance with the applicable appointment by-law;

**"Agenda"** means the order of proceedings for a Meeting setting out the business to be considered at the Meeting which shall include any additional agenda;

**"By-law"** means a draft or proposed form of by-law to be approved by Council or a by-law passed for the purpose of giving general effect to a previous decision or proceedings of Council;

**"Chair"** means the person presiding at a Meeting or such other person as may be authorized to preside in their absence;

**"Clerk"** means the City Clerk, or their designate;

**"Closed Meeting"** means a Meeting or part of a Meeting closed to the public if the subject matter being considered is permitted to be closed in accordance with the *Municipal Act*;

**“Committee”** means a committee of Council including a Standing Committee, an Advisory Committee, an Ad Hoc Committee or other committee including a Subcommittee established by Council from time to time;

**“Conflict of Interest”** means a Member and/or their parent, child or spouse who has a direct or indirect pecuniary interest in accordance with the *Municipal Conflict of Interest Act* and/or the City’s Code of Conduct for Members of Council;

**“Consent Agenda”** means those items on an Agenda that all Members of Council deem appropriate to approve or deal with together without discussion or individual Motions because they are deemed routine and/or non-contentious;

**“Consent Motion”** means a single Motion to approve the recommendations arising out of the Consent Agenda;

**“Corporate Report”** means a report prepared by City staff for Council in accordance with City Policy 02-01-08, or its successor;

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

**“Defer”** means to delay the consideration of a matter until a specific time or event;

**“Deputation”** means a written or verbal submission made at a Meeting by and at the request of a Member of the public or City staff related to a matter that is on an Agenda or relates to a matter that is of municipal interest as determined by the Clerk;

**“Election Recess”** means the time period determined by the Clerk that is immediately preceding and following the municipal election when Council meets less frequently or where a new council will include 8 members or less from the outgoing council, for the period of time as determined in accordance with section 275 of the Municipal Act; (0201-2022

**“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;

**“Mayor”** means the head of Council of The Corporation of the City of Mississauga who shall preside at all Meetings of Council and who is the chief executive officer of the City;

**“Meeting”** means any regular, special, or other meeting of Council or a Committee, where:

- (1) Quorum is established; and
- (2) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of Council or the Committee;

**“Member”** means a member of Council or a Committee;

**“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 or Committee and includes proposals by a Member of Council moved verbally in a Meeting, that Council or Committee resolve and effect a decision;

**“Mover”** means a mover of a Motion by a Member;

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

**“Notice Of Motion”** means advanced, written notice given by a Member and received by the Clerk, advising Council that a Motion will be brought forward at a Meeting of Council that may be included on an Agenda; (0031-2023, 0023-2024)

**“Petition”** means a written request from more than one member of the public in support of a shared cause or concern;

**“Point Of Order”** means a Motion introduced by a Member with the view to calling attention to any departure from this by-law or in the practiced conduct of Council’s or a Committee’s business;

**“Point Of Privilege”** means a Motion introduced by a Member who is concerned that a matter affects the credibility, reputation, integrity or dignity of a Member individually or that of Council or Committee;

**“Point Of Procedure”** means a Motion introduced to obtain information on a matter of procedure where the rules of this by-law bearing on the business at hand in order to assist a Member to make an appropriate motion, or understand the parliamentary situation or the effect of a motion;

**“Presentation”** means the oral and/or visual provision of information that does not relate to an item that is on an Agenda;

**“Public Question Period”** means the part of a Meeting where any member of the public may ask a question related to any item on an Agenda;

**“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 (who shall announce their vote openly) at a Meeting on any matter or question;

**“Refer”** means to send a matter currently under consideration by Council or a Committee to an individual, department or other Committee for further consideration and/or action; and

**“Summer Recess”** means the time during the months of July and August when Council meets less frequently.

## **PART 2 - COUNCIL MEETINGS - GENERAL**

### **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 Council's term commences.
- (2) At the first Meeting, the first order of business shall be the declarations of office in accordance with the Municipal Act and the enactment of the appointment by-law for the Acting Mayor.

### **REGULAR MEETINGS**

5. Regular Meetings of Council shall be held at 9:30 a.m. at two week intervals, or such other time and/or interval as determined by the Clerk.
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 shall be convened at the Civic Centre unless the notice of Meeting stipulates the Meeting shall be held at another location, as determined by the Clerk.
8. A Motion passed by a majority of the Members of Council present is required to continue a Meeting of Council past 11:00 p.m.

### **SPECIAL MEETINGS**

9. A special Meeting of Council shall be held if:
  - (1) the Mayor makes a request to the Clerk;
  - (2) Council makes a request at a regular Meeting of Council; or
  - (3) the Clerk receives 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 MEETINGS**

12. Despite the provisions of Sections 10 and 11, a Meeting of Council may be called by the Mayor, without written notice, to deal with an Emergency, provided that an attempt has been made by the Clerk to notify its Members about the Meeting as soon as possible and in the most expedient manner available as so determined by the Clerk.

#### **CLOSED MEETINGS**

13. Except as provided in this Section and Section 14, 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 being considered is:

- (1) the security of the property of the municipality or local board;
- (2) personal matters about an identifiable individual, including municipal or local board employees;
- (3) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (4) labour relations or employee negotiations;
- (5) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (6) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (7) a matter in respect of which Council or Committee may hold a closed meeting under another Act;
- (8) 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;
- (9) 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;
- (10) 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;
- (11) 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;
- (12) 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; and
- (13) as otherwise permitted by law.

14. In addition to Section 13, a Meeting or part of a Meeting shall be closed to the public if the subject matter being considered is:

- (1) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if Council is the head of the institution for the purposes of that Act; or

- (2) 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 this Act, or the investigator referred to in subsection 239.2(1).
15. Before holding a Meeting or part of a Meeting that is to be closed to the public, Council shall state by resolution:
- (1) the fact of the holding of the Closed Meeting and the general nature of the matter to be considered at the Closed Meeting; or
  - (2) in the case of a Meeting under Subsection 13(12), the fact of the holding of the Closed Meeting, the general nature of its subject matter and that it is to be closed under that subsection.
16. Closed Meetings shall be conducted in accordance with City Policy 02-01-03, including but not limited to, voting and the recording of minutes.

**NOTICE OF MEETINGS AND DELIVERY OF AGENDA**

17. The Clerk shall give notice of each Meeting of Council:
- (1) to its Members 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, no later than twenty-four (24) hours preceding the time at which the Meeting is scheduled to commence; and
  - (2) by posting the date and time of the Meeting on the Council and Committee Calendar on the City's website.
18. 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 law.

**QUORUM**

19. A majority of Members of Council sitting in their assigned seats is required to form Quorum at a Meeting of Council. For greater clarity, a Member that is permitted to participate in a Meeting of Council electronically shall be counted in determining whether or not Quorum of Members is present at any point in time.
20. The number of Members constituting Council shall be determined by excluding:
- (1) 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
  - (2) the number of seats that are vacant on Council by the reason of section 259(1) of the Municipal Act.
21. As soon as Quorum is established after the time appointed for the start of the Meeting, the Chair will call the Members of Council to order.
22. Where the Chair does not attend within fifteen (15) minutes after the time appointed for the Meeting, the Vice Chair shall call the Members of Council to order and, if Quorum is present, preside during the Meeting or until the arrival of the Chair at that Meeting.
23. If no Quorum is present thirty (30) minutes after the time appointed for a Meeting of Council, the 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.
24. If during the course of a Meeting of Council Quorum is lost, then the Meeting shall stand adjourned, to reconvene when Quorum is regained. If 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.
25. If a Meeting of Council 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.

26. Despite any provision related to Quorum found in this by-law, Council may accept submissions or information from the public or staff on a matter where Quorum is not present, except submissions or information in respect of a hearing or public meeting required by law. For greater clarity, the Members present during this time shall not be voting on any matters or providing any direction to staff.

### **PART 3 – THE ROLE OF MEMBERS AND RULES OF ORDER AND DEBATE**

#### **MAYOR AS CHAIR**

27. As the head of Council, the Mayor shall preside as the Chair for all Meetings of Council.
28. The Chair shall:
- (1) maintain order and preserve the decorum of the Meeting which may include expelling any person for improper conduct at a Meeting;
  - (2) facilitate voting on all matters;
  - (3) rule upon a Point of Order, a Point of Procedure or a Point of Privilege, without debate or comment;
  - (4) rule whether a Motion or proposed amendment to a Motion is in order;
  - (5) rule upon all other procedural matters;
  - (6) maintain a speaker's list of those Members of Council who have signaled to the Chair that they wish to speak or ask questions, and recognize such Members in the order in which they appear;
  - (7) call a Member of Council to order where appropriate; and
  - (8) temporarily pass their role and duties to another Member of Council in order to Move a Motion.

#### **ACTING MAYOR AS VICE CHAIR**

29. In the event that the Mayor is absent, refuses to act or the office is vacant, the Member of Council appointed as the Acting Mayor in accordance with the applicable by-law shall preside as the Vice Chair for Meetings of Council.
30. In the absence of the Chair, the Vice Chair shall assume all powers, duties and responsibilities of the Chair as set out in this by-law.
31. In the absence of both the Chair and Vice-Chair, the Member of Council to preside over the Meeting shall be determined in accordance with the applicable appointment by-law.

#### **MEMBERS OF COUNCIL**

32. No Member of Council shall:
- (1) speak disrespectfully of 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 Closed Meeting or part of a Closed Meeting and where the matter remains confidential, disclose the content of the matter or the substance of deliberations of the Closed Meeting;
  - (5) disobey the rules of the Council or a decision of the Chair on a Point of Order, a Point of Procedure or a Point of Privilege or the interpretation of this by-law; or
  - (6) contravene the City's Code of Conduct for Members of Council or any applicable City Policy including but not limited to the Respectful Workplace Policy 01-03-04, or its successor.

33. Where a Member of Council persists in any such disobedience or conduct contrary to the provisions of Section 32, after having been called to order by the Chair:
  - (1) the Chair shall forthwith put the question that the Member be ordered to leave their 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 their seat.
34. (1) A Member of Council may initially speak on an item of business or Motion for five minutes unless otherwise determined by the Chair.
  - (2) No Member of Council shall speak more than once on an item of business until every Member who desires to speak has spoken.
  - (3) Any Member of Council, including the Mover, wishing to speak on an item of business a second or third time may do so for a further three minutes unless determined otherwise by the Chair.

**ROLE OF THE CLERK**

35. (1) The Clerk shall be the Secretary of Council and all Committees of Council and shall be present at Meetings, shall be responsible for administering and enforcing this by-law and shall be responsible for all the duties as set out in section 228 of the Municipal Act.
  - (2) The Clerk may assign any such duties set out in this by-law to an employee, but may continue to exercise the duties despite the delegation.

**MEMBERS OF THE PUBLIC**

36. Members of the public present during a Meeting of Council shall maintain order, remain quiet and shall not address Council except with the permission of the Chair.
37. 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.
38. No person shall bring food or drinks, cell phones, pagers or other electronic devices which emit a sound unless such devices are turned off or silenced, into a Meeting of Council.
39. When invited to address Council, no person shall use indecent, offensive or insulting language or speak disrespectfully of any Member of Council, any employee of the City, or of any individual.
40. Any person, not being a Member of Council, who contravenes any provision of this Section may be expelled from the Meeting by the Chair.

**PART 4 - ORDER OF BUSINESS**

41. The Clerk will prepare an Agenda for 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: (0031-2023)
  - (1) Call to Order;
  - (2) Indigenous Land Statement;
  - (3) Approval of Agenda;
  - (4) Declarations of Conflict of Interest;
  - (5) Minutes of Previous Council Meetings;
  - (6) Presentations;



- (7) Deputations;
  - (8) Public Question Period;
  - (9) Consent Agenda;
  - (10) Introduction and Consideration of Corporate Reports;
  - (11) Presentation of Committee Reports;
  - (12) Unfinished Business;
  - (13) Petitions;
  - (14) Correspondence;
  - (15) Notices of Motion;
  - (16) Motions;
  - (17) Introduction and Consideration of By-laws;
  - (18) Matters pertaining to Region of Peel Council;
  - (19) Enquiries;
  - (20) Other Business and Announcements;
  - (21) Closed Meeting (if applicable);
  - (22) Confirmatory By-law; and
  - (23) Adjournment.
42. Notwithstanding the Order of Business set out in Section 41, Council may otherwise direct that business be considered in a different order.
43. 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.

#### **CALL TO ORDER AND INDIGENOUS LAND STATEMENT**

44. The Chair shall commence a Meeting by calling the Members of Council to order and by proclaiming an indigenous land statement.

#### **APPROVAL OF AGENDA**

45. The Clerk shall be responsible for assembling the Agenda for a Meeting in accordance with City Policy 02-01-04, or its successor.
46. The Chair shall request approval of an Agenda which shall be approved by way of a vote by the Members of Council.
47. A Member of Council may introduce a Motion to add a matter to an Agenda before the approval of an Agenda.

#### **DECLARATION OF CONFLICT OF INTEREST**

48. The Chair shall ask the Members of Council to declare any Conflict of Interest related to a matter included on an Agenda.
49. A Member of Council who declares a Conflict of Interest shall not take part in the discussion of, attempt to influence or vote on any question with respect to that matter.

#### **MINUTES FROM PREVIOUS MEETING**

50. The Chair shall request approval of the minutes from the previous Meeting of Council which shall be approved by way of a vote by its Members.

51. A Member of Council may introduce a Motion to make any change or addition to the minutes from a previous Meeting of Council.

### **PRESENTATIONS AND DEPUTATIONS**

52. A person wishing to make a Presentation or Deputation to Council 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.
53. Notwithstanding Section 52, any person wishing to make a Deputation related to a matter on the Agenda shall submit a request to the Clerk by 4:00 p.m. two business days prior to the Meeting.
54. A person wishing to make a Presentation or Deputation to Council on behalf of a corporation or organization shall provide the Clerk with written authority from the corporation or organization. A Deputation made pursuant to this Section shall be made by a maximum of two persons.
55. (1) For the purposes of Sections 52 and 53, the Clerk shall determine the appropriate City department, Committee or meeting date that a request for a Deputation may be listed.
- (2) Notwithstanding Subsection 55(1), a Deputation from a member of the public can only be made one time per subject matter in a 12-month period and once the subject matter has been received by Council or a Committee, it is considered closed and any subsequent request for a Deputation from that member of the public within the 12-month period will be denied. (0023-2024)
56. A person granted permission to make a Deputation at Council shall confine their remarks to the stated business from the Agenda.
57. (1) Each Deputation to Council shall be limited to speaking not more than five minutes.
- (2) Notwithstanding Subsection 57(1), Council may pass a Motion to extend the length of time allotted for a Deputation.
- 57.1 Deputations shall be received and the matter shall be referred to staff for a report, unless there is a resolution or recommendation passed to simply "receive" the Deputation. After a Deputation is completed, Members shall each have one opportunity to make a preamble statement and ask questions to the Deputant(s) or staff for clarification purposes only, and without debate. (0201-2022)

### **QUESTION PERIOD**

58. The Agenda for all Meetings of Council shall include a Public Question Period, subject to the following provisions:
- (1) questions shall be submitted to the Clerk at least 24 hours prior to the Meeting, except where: (0023-2024)
- (a) the question relates to an item on the additional agenda; or
- (b) a member of the public attends in person to ask the question.
- (2) Public Question Period shall be limited to a total of 15 minutes, unless extended by the Chair;
- (3) persons invited to address Council during Public Question Period shall:
- (a) be restricted to two questions pertaining to subjects that appear on the Agenda for that particular Meeting of Council; and
- (b) limit their speaking to no more than 5 minutes in total, unless extended by the Chair; and
- (4) 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.

## **CONSENT AGENDA**

59. After Public Question Period, the Chair shall call for items to be included in the Consent Agenda:
- (1) if a Member of Council 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;
  - (2) in the event that a Member of Council 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; and
  - (3) all items listed under the Consent Agenda shall be voted on through one Consent Motion and that Motion shall be neither debatable nor amendable.

## **CONSIDERATION OF CORPORATE REPORTS**

60. The recommendations by staff embodied in a Corporate Report to Council are:
- (1) the main Motion 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.

## **PETITIONS**

61. A person may submit a Petition to the Clerk and if completed in accordance with City Policy 02-01-05, or its successor policy, the Clerk shall include the Petition on the next available Agenda.
62. The Petition organizer may make a Deputation to Council on the same day that the Petition is included on an Agenda and shall comply with the rules for Deputations as set out in this by-law.
63. Council may do one of the following things when considering a Petition: receive the Petition for information, Refer the Petition or implement the petitioners' request.
64. Petitions shall otherwise comply with City Policy 02-01-05, or its successor policy.

## **PART 5 - MOTIONS**

### **NOTICE OF MOTIONS**

65. In order to introduce a Motion, a Member of Council shall submit a Notice of Motion in writing and signed by the Mover to 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.
66. A Notice of Motion that is not submitted in accordance with Section 65 may be introduced by the Mover at a Meeting of Council during the approval of the Agenda.
67. 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.
68. The Mover of a Motion submitted under Section 65 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.

### **MOTIONS - GENERAL**

69. Except as provided for in Sections 71 and 74, 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.

70. A Motion or an amendment to a Motion shall be moved before a Member of Council speaks to the Motion.
71. Motions respecting the following matters may be introduced orally without written notice:
- (1) a Point of Order, Privilege or Procedure;
  - (2) a Motion to Refer;
  - (3) presentation of a Petition;
  - (4) a Motion to Defer;
  - (5) a Motion to withdraw a Motion;
  - (6) a receipt Motion or Motion to amend
  - (7) a Motion to temporarily recess a Meeting;
  - (8) a Motion to call the vote on a question;
  - (9) a Motion to separate out the questions;
  - (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, a Closed Meeting;
  - (14) a Motion to change the Order of Business;
  - (15) a Motion to adjourn a Meeting; and
  - (16) a Motion to adopt the Minutes of a Meeting.
72. No Member of Council 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;
  - (2) approval is granted by the Chair to deal with a matter not on the Agenda; or
  - (3) the Motion relates to a matter which for reasons of an Emergency, health or safety, or legal deadline, cannot be first considered by the appropriate Committee of Council.
73. After a Motion is moved in Council, it shall be deemed to be in the possession of Council and may only be withdrawn by approval of the majority of its Members present and only prior to a decision or amendment on such Motion has been rendered by the Council.

#### **ORDER OF MOTIONS**

74. 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) to call the vote on a question;
  - (4) Motions to Refer; and
  - (5) Motions to Defer.
75. Motions will be voted on in the following order:

- (1) receipt Motion;
- (2) Motion to Refer;
- (3) Motion to Defer;
- (4) Motion to Amend, in the order moved; and
- (5) main Motion.

#### **REQUIREMENT FOR DISPOSITION**

76. A Motion properly before Council for decision must receive disposition before any other motion can be received for debate, except where:
- (1) a Point of Order, Procedure or Privilege has been made or a Motion on procedure has been made to amend, to Defer, to Refer, to Call the vote on the question, or to extend the hour of closing proceedings; or
  - (2) the Meeting has failed for lack of Quorum.

#### **MOTION TO AMEND**

77. (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 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 to Refer 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.

#### **MOTION TO SEPARATE OUT**

78. When a question has been separated out, debate shall be restricted to each proposal in its turn.

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

79. (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**

80. A Motion to Defer shall:
- (1) always be in order, except as provided in this Part 5;
  - (2) be put immediately without debate;
  - (3) not be made again, when resolved in the negative, until after an intermediate proceeding has been completed by Council;
  - (4) be deemed not to be in order in any of the following circumstances:

- (a) when a Member of Council is speaking;
- (b) during the verification of a vote; and
- (c) immediately following the affirmative note on a Motion to call the vote on a question.

**MOTION FINALLY PUT**

81. After a question is finally put by the Chair:
- (1) no Member of Council shall speak to the question nor shall any other Motion be made, until after the vote is taken and the result declared by the Chair; and
  - (2) no Member of Council absent from the Council Chamber (not including Members who are permitted to participate electronically) when the question is put shall vote on a question.
82. (1) On the result of a vote taken pursuant to Section 81 of this by-law, a Member of Council 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 of Council, the Chair, shall again take the vote on the question.

**MOTION TO RECONSIDER**

83. (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 of Council 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.

**MOTION TO ADJOURN**

84. A Motion to adjourn Council shall:
- (1) be in order, except:
    - (a) when a Member of Council is speaking;
    - (b) during the verification of a vote; or
    - (c) immediately following the affirmative vote on a Motion to call the vote on a question.
  - (2) be put immediately without debate;
  - (3) not be made again, when resolved in the negative, until after an intermediate proceeding has been completed by Council; and
  - (4) not be amended.

## **PART 6 - VOTING**

85. (1) A Recorded Vote shall be taken on the following;
- (a) Consent Agenda;
  - (b) introduction and consideration of Corporate Reports;
  - (c) presentation of Committee Reports;
  - (d) Notice of Motions; and
  - (e) Motions.
- (2) Notwithstanding Subsection 85(1) a Member of Council may request that a vote be recorded, if the request is made immediately before or after the taken of the vote.
- (3) Notwithstanding Subsection 85(1), Motions related to expressions of sympathy do not require a Recorded Vote;
86. If a Motion contains distinct parts, a Member of Council may require separate votes on any or all parts.
87. (1) In the case of electronic voting, the Chair shall ask all Members of Council to vote on the question whether they are in favour or opposed to its adoption except for those Members who have declared a Conflict of Interest.
- (2) Should there be no electronic voting 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.
88. Every Member of Council present shall have one vote and shall vote on every Motion unless:
- (1) a Member declares a Conflict of Interest, in which case the Member shall recuse themselves; or
  - (2) a Member Abstains from a vote. When a Member Abstains, without declaring a Conflict of Interest, the Member's vote will be recorded in the negative.
89. The Clerk shall announce or display the result of every vote that is a Recorded Vote. The result of the vote may be publicly displayed and will be included in the record of the Meetings, including the recusals and abstentions.
90. If there is an equality of votes on any question, the vote shall be deemed to be lost.
91. When the Chair calls for a vote on a question, each Member of Council, other than a Member who is permitted to participate electronically, shall occupy their seat and shall remain in their seat until the result of the vote has been declared by the Chair, and during such time no Member shall leave their seat or speak to any other Member or make any noise or disturbance.
92. Despite section 244 of the Municipal Act, a Meeting may be closed to the public during a vote if:
- (1) the Meeting is permitted or required to be closed pursuant to subsection 239(2) and (3) of Municipal Act; and
  - (2) the vote is for a procedural matter of for giving direction or instructions to officers, employees or agents of the municipality, local board or Committee of either of them or persons retained by or under a contract with the municipality or local board.

## **PART 7 - BY-LAWS**

93. (1) No By-law shall be presented to Council unless the subject matter thereof has been considered and approved by the Council.

- (2) Any number of By-laws 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 of Council, deal separately with any By-law.
  - (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 By-law 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.
  - (4) Every By-law, upon enactment, shall be signed by the Chair and the Clerk, with the date of enactment thereof entered and the Corporate Seal of The Corporation of the City of Mississauga affixed thereto.
94. (1) The Clerk is hereby authorized to make such minor deletions, additions or other changes in form, to any By-law before same is signed, sealed and numbered, for ensuring correct and complete implementation of the actions of Council forming the subject-matter of the By-law in accordance with this by-law.
- (2) All amendments to any By-law approved by the Council shall be deemed to be incorporated into the By-law and if the By-law 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 or legislation and make any changes in cross-reference that are required as a result;
  - (d) correct any references to legislation or a By-law that has changed in order to maintain the original intent of the reference;
  - (e) correct any references to position titles, departments, divisions or City programs that have been renamed as a result of a re-organization at the City; and
  - (f) correct any errors or make changes in order to reflect what is explicitly set out in the Corporate Report that authorized the By-law.
- 94.1 Notwithstanding Section 93(1), a By-law to remove a holding provision from Zoning By-law 0225-2007, as amended, as delegated in accordance with By-law 0186-2022, shall be presented to and enacted by the Commissioner of Planning and Building, or designate. (0201-2022)
- 94.2 Notwithstanding subsection 93(1), the Clerk is authorized to submit By-laws directly to Council for enactment without the need for a Corporate Report in order to update references to City staff position titles, departments or divisions that have changed as a result of any administrative restructuring or re-organization at the City. (0189-2023)

## **PART 8 – CONCLUDING BUSINESS**

### **CONFIRMATORY BY-LAW**

95. Upon completion of the business of the day or at any other time during a Meeting if Council deems it appropriate, the Chair shall, upon a Motion for the introduction of a Confirmatory By-law, duly moved and seconded, put the following Motion, which is not debatable: “that a Confirmatory By-law to confirm the proceedings of the Meeting of Council (or part thereof) be passed and hereby declared as a by-law”.
- 95.1 The passage of a confirmatory by-law pursuant to Section 95 shall be relied on to authorize the execution of an agreement pertaining to a matter listed on the Agenda, subject to



Council passing a resolution authorizing said agreement. For greater clarity, this Section 95.1 does not prohibit the passage of a separate by-law or supersede the requirement to pass a separate by-law as required by a Provincial or Federal law, in order to authorize the execution of an agreement.

## **MINUTES**

96. (1) Unless otherwise decided by Council, the Minutes of each Meeting of 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 Chair 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.
- (4) Where Quorum is not obtained or is lost during a Meeting of Council and information is received in accordance with Section 19, minutes will not be taken.

## **PART 9- DELEGATION TO STAFF DURING SUMMER AND ELECTION RECESS**

97. During the Summer Recess and Election Recess, Council delegates authority to City staff in accordance with this by-law, to enter into certain agreements and execute certain matters to allow staff to continue business operations, subject to the following:
  - (1) despite the provisions of the City's Purchasing By-law 374-06, as amended (or its successor By-law), 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 (or its successor By-law), 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 by-law or a statute enforced by City staff.
  - (3) Despite the provisions of the City's Noise Control Bylaw 360-79, as amended, (or its successor By-law), Council delegates to the Commissioner appointed by Council with administrative responsibility for the Enforcement Division (or their designate) the authority to approve exemptions, where appropriate, under the Noise Control Bylaw 360-79, as amended, (or its successor By-law), subject to advance notification to the applicable Ward Councillor prior to the exercise of such delegation powers. (0188-2023)
  - (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 Meeting of Council.
  - (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 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, Parks, Forestry and Environment (or designate), upon consultation with the City's Heritage Advisory Committee as may be required, the authority to: (0188-2023)
- (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, Finance and Treasurer (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) Council delegates to the Commissioner of Planning and Building, or their designate, the authority to instruct the City Solicitor to attend the Ontario Land Tribunal ("OLT"), along with any necessary staff and/or consultants, to take a position in support of or in oppositions to, or to take no position on, appeals before OLT including without limitation any appeals made under the Planning Act for non-decision of Council or from decisions of the Committee of Adjustment, where in the opinion of the Commissioner of Planning and Building, in consultation with the applicable Ward Councillor, it is appropriate to do so. (0201-2022)
- (11) Council delegates to the City Manager the actions referred to in Subsection 275(3) of the Municipal Act subject to the delegation restrictions set out in Section 23.3 of the Municipal Act. (0201-2022)
- 97.1 The City Manager shall report back to Council within a reasonable time frame following the commencement of the new term of Council on any actions taken pursuant to subsection 97(11) of this By-law. (0201-2022)
98. Despite Section 97, the following matters shall continue to be approved by Council:
- (1) agreements for municipal capital facilities;
  - (2) agreements requiring that a stand-alone bylaw be entered into, unless the agreement is a funding agreement as provided in Section 97(7) or a tax extension agreement as provided in Section 97(9) of this by-law;
  - (3) appointing statutory staff;
  - (4) budget matters;
  - (5) commencing or defending litigation, except as provided in this by-law (to meet statutory timelines);

- (6) settling litigation, unless otherwise specifically delegated by Council;
  - (7) Planning Act matters (approvals of rezoning applications, official plans or official plan amendments);
  - (8) purchase or sale of property, unless otherwise specifically delegated;
  - (9) the power to incorporate corporations;
  - (10) taxation matters other than the authority to enter into a tax extension agreement as provided in Section 97(9) of this Bylaw; and
  - (11) any other matter where delegation of authority is prohibited by legislation.
99. For greater clarity, all delegations provided in Section 97 shall cease once Council reconvenes following the Summer Recess and Election Recess, as the case may be.

## **PART 10 – GENERAL PROVISIONS**

### **RESTRICTED ACTS AFTER NOMINATION DAY**

100. Council shall be restricted from performing the actions set out in Section 275(3) of the Municipal Act, or its successor provision, after nomination day, if the criteria in Section 275(1) is met.
101. Nothing in Section 100 prevents Council from taking any action in the event of an Emergency.
102. Nothing in Section 100 prevents any person or body from exercising any authority of Council that is delegated to the person or body prior to nomination day for the election of the new Council.

### **AMENDING PROVISIONS**

103. (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 its successor By-law).
- (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.

### **INTERPRETATION**

104. 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.
105. 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.
106. Council, or a Committee of Council, shall not waive the notice requirement set out in this by-law.
107. If there is any discrepancy between this by-law and the Municipal Act, the Municipal Act takes precedence.

### **EFFECTIVE DATE AND REPEALING BY-LAW**

108. This by-law shall come into force and effect at 12:01 am on March 23, 2022.
109. That by-law 0139-2013 is hereby repealed, effective at 12:01 am on March 23, 2022.

### **SHORT TITLE**

110. This by-law shall be referred to as the "Council Procedure By-law".

**ENACTED** and **PASSED** this 23<sup>rd</sup> day of March, 2022.

Signed by John Kovac, Acting Mayor and Diana Rusnov, City Clerk.