

# TOWN OF OAKVILLE

## PROCEDURE BY-LAW

~~2020-011~~ **2025-064**

(~~Consolidated Version re:  
By-laws 2020-067, 2020-096,  
2023-087 and 2024-045~~)

**A by-law to establish rules governing the calling, place,  
proceedings and provision of public notice of meetings of  
Council and Committees**

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## THE CORPORATION OF THE TOWN OF OAKVILLE

### BY-LAW NUMBER 2025-064

A by-law to establish rules governing the calling, place, proceedings and provision of public notice of meetings of Council and Committees of Council of The Corporation of the Town of Oakville and to **repeal By-laws 2020-011, 2024-045, 2023-087, 2020-049, 2020-067, 2020-096, 2013-003, 2013-086, 2010-164 and 2008-092.**

WHEREAS subsection 238(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (“The *Municipal Act*”) requires municipalities to pass a procedure by-law for governing the calling, place and proceedings of meetings;

WHEREAS subsection 238(2.1) of the *Municipal Act* requires the procedure by-law to provide for public notice of meetings;

WHEREAS it is necessary and expedient that there shall be rules governing the order and proceedings of the Council and the Committees of the Council of The Corporation of the Town of Oakville;

**AND** WHEREAS Council desires that its governance processes and procedures facilitate, to the greatest extent possible, the understanding and participation of its citizens in the effective conduct of the Corporation’s business. ~~and~~

### THEREFORE COUNCIL ENACTS AS FOLLOWS:

#### 1. DEFINITIONS:

In this by-law:

- (1) **“Acting Mayor”** means the member of Council appointed to act from time to time in the place and stead of the Mayor **with respect to the role of presiding at meetings. The Acting Mayor is not considered the Head of Council for the purposes of and as referenced in Part VI.1 of the Act.**
- (2) **“Addendum”** means a supplemental agenda package prepared for use at a meeting which contains additional information required for the meeting.

- (3) **“Advisory Committee”** means a committee created by Council, to report to Council on a specific subject and is comprised entirely of members of the public and where there is less than 50% membership of Council. These are considered local boards under the Act.
- (4) **“Agenda”** means a document prepared for use at a meeting setting out the business to be undertaken.
- (5) **“CAO”** means the Chief Administrative Officer (CAO) of The Corporation of the Town of Oakville, or designate.
- (6) **“Chair”** means the Head of Council or the presiding officer of a meeting.
- (7) **“Clerk”** means the Clerk of The Corporation of the Town of Oakville, or designate.
- (8) **“Close debate”** (call the question) means a motion requiring that debate be closed and the vote on the motion be taken immediately. (See section 14.4(5))
- (9) **“Closed session”** (in-camera) means a meeting or part of a meeting closed to the public in accordance with the provisions of the *Municipal Act*. (See section 6)
- (10) **“Committee”** for the purpose of this by-law means any committee, sub-committee, or similar entity of which at least 50 per cent of the members are also Members of Council.
- (11) **“Committee of the Whole”** means a Committee comprised of all the Members of Council. (See section 5.6)
- (12) **“Committee recommendation”** means a motion that is passed by a Committee during a meeting and that is subject to approval by Council.
- (13) **“Confine to table”** means to limit comments and questions relating to the matter under consideration to the members only.
- (14) **“Confirming by-law”** means a by-law passed prior to adjournment of every meeting of Council to confirm by by-law the resolutions and actions of Council taken at that meeting. (See section 20.3)
- (15) **“Consent item”** means an item of business on an agenda, which is considered routine and non-contentious and for which there has been no indication of public interest.

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- (16) **“Consent motion”** means a single motion to approve the recommendations arising out of one or more consent items of business on the agenda of a meeting.
- (17) **“Corporation”** means The Corporation of the Town of Oakville (the Town).
- (18) **“Council”** means the Council of The Corporation of the Town of Oakville.
- (19) **“Defer”** means to postpone consideration of a matter. (See section 14.4(6))
- (20) **“Delegation”** means a person or group of persons permitted to address Council or Committee in person, individually or on behalf of a group, on any matter on the agenda for that meeting in accordance with the provisions of this by-law. (See section 10)
- (21) **“Discussion item”** means an item of business on an agenda, which is not routine and may be contentious in nature or for which there has been an indication of public interest.
- (22) **“Electronic Participation”** means participation in a meeting from a remote location via electronic means. ~~(including, but not limited to, audio teleconference, video teleconference, or another means as determined by the Clerk);~~
- (23) **“Emergency”** as it relates to New Business means a time sensitive matter which if not dealt with may have serious ramifications, as determined by the Mayor in consultation with the Clerk, including but not limited to, the inability to address or influence the matter at a later date.
- (24) ~~“Ex-officio” means a member of a committee by reason of holding another position, who has all the rights and privileges of a full member. (See section 5.7(4))~~  
**“Ex-officio” means by virtue of the office or position, the Mayor is an ex officio member of all Committees who, when attending a Committee meeting, shall have full voting privileges and shall be counted for the purposes of the Committee’s quorum as such quorum is set out in subsection 12 of this By-law.**
- (25) **“Information Items”** means any general correspondence or communication received by the Town Clerk for distribution to **Council**.
- (26) **“Local board”** means a local board as defined in section 1(1) of the *Act*.

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- (27) **“Matter”** includes any record, item, document or information, or the contents, or any part thereof, as the context permits.
- (28) **“Majority vote”** means a vote where more than one-half (1/2) of the members who are present and eligible to vote, vote in the same manner.
- (29) **“Mayor”** means the Head of Council/CEO of The Corporation of the Town of Oakville.
- (30) **“Meeting”** means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where:
- a) a quorum of members is present; and
  - b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- (31) **“Member”** means a member of Council or Committee.
- (32) **“Motion”** means a proposal by a member to resolve and effect a decision, and may include the motions outlined in section 14 of this by-law.
- (33) **“Municipal Act”** means the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended from time to time.
- (34) **“Municipal Conflict of Interest Act”** means the *Municipal Conflict of Interest Act, R.S.O. 1990 c. M.50*, as amended from time to time.
- (35) **“MFIPPA”** means the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990. c. M.56*, as amended from time to time.
- (36) **“New business”** means an item of business that has not been included as a listed item on an agenda and is of an emergency, congratulatory or condolence nature, or a notice of motion in accordance with section 17.
- (37) **“Notice of motion”** means a motion in writing including a mover and seconder, which is introduced at a regular Council meeting for consideration at the next regular meeting of Council, thereby affording all members with notice that the subject matter is to be addressed. (See section 14.1)
- (38) **“Open session”** means a meeting, or portion thereof that is open to public attendance and delegations.

- (39) “**Outstanding Issues**” means items that have been referred back to staff by Council for a further report.
- (40) “**Pecuniary interest**” means a direct or indirect pecuniary (monetary) interest within the meaning of the *Municipal Conflict of Interest Act*. (See section 7)
- (41) “**Planning Act**” means the *Planning Act*, R.S.O. 1990 c. P.13, as amended from time to time.
- (42) “**Point of order**” means any alleged breach of the rules or irregularity in the proceedings of a meeting. (See section 16)
- (43) “**Point of privilege**” means a statement calling attention to a matter where the integrity, character or reputation of an individual, individuals or the entire Council, or the ability of an individual to participate, is perceived to be in question. (See section 15)
- (44) “**Public presentation**” means information presented to Council in ~~person~~ by an individual or group on an issue not requiring any action to be taken by Council. (See section 9)
- (45) “**Public hearing item**” means any item for which a public meeting is required under the *Municipal Act* or *Planning Act*, or any other statute or Town policy.
- (46) “**Quorum**” means the number of members required to be present at any meeting, being a majority of the members, in order that business may be conducted. (See section 12)
- (47) “**Reconsideration**” means consideration of a previous decision of the current Council. (See section 14.5)
- (48) “**Record**” has the meaning given to it by the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, and includes any information contained in a record.
- (49) “**Record of meeting**” means the minutes of the meeting which shall be kept in accordance with the provisions of the *Municipal Act*.
- (50) “**Recorded vote**” means the recording of the name and vote of every member voting on a motion. (See section 14.7)
- (51) “**Refer**” means to direct consideration of a matter to another meeting, committee, or person. (See section 14.4(7))

- (52) **“Request for report”** means a motion introduced as an Item of Business at a regular Council meetings requesting staff to prepare a report to be considered on a future agenda.
- (53) **“Resolution”** means the decision of Council on any motion or committee recommendation.
- (54) **“Regular meeting”** means a scheduled meeting held in accordance with the approved calendar of meetings.
- ~~(55) **“Special committee”** means a special committee appointed by Council. (See section 5.10)~~
- (56) **“Special meeting”** means a meeting (called under the provisions of this by-law) for a specified purpose. (See section 5.5)
- ~~(57) **“Standing committee”** means a standing committee of Council. (See section 5.8)~~
- (58) **“Suitable meeting place”** means an accessible location that is large enough to accommodate Council and reasonable public attendance.
- (59) **“Town”** means the Town of Oakville.
- (60) **“Workshop meeting”** means a Committee called under the provisions of this by-law. ~~for the purpose of educating or training the members of Council and in no way materially advances the business or decision-making of the Council.~~

## 2. GENERAL

- (1) The rules and regulations contained in this by-law shall be observed in all proceedings to which they apply and shall be the rules and regulations for the order and dispatch of business at meetings of Council and its Committees, unless otherwise provided by law.
- (2) The rules and regulations contained herein may be suspended by resolution for a single occasion by a vote of at least two-thirds of the ~~entire~~ Council **present**, unless otherwise provided by law.
- (3) The rules of order may be relaxed, ~~as appropriate,~~ **during** ~~as they apply to a Committee of the Whole or Workshop meeting called for the purpose of education or training of the members.~~
- (4) Committees, with the exception of the Committee of the Whole, shall not pass a motion to suspend the rules of this by-law.

- (5) The Clerk shall be responsible to interpret and administer the rules of procedure under this by-law and shall be permitted to make minor clerical, typographical or grammatical corrections to any Committee or Council record or documentation including, but not limited to, by-laws, motions, resolutions, agendas and/or minutes, to ensure correct and complete implementation of the decisions and actions of the Committee or Council.
- (6) Any erroneous contraventions to this by-law during a meeting shall not invalidate the proceedings of the meeting or establish a precedent for any future meeting.
- (7) Procedural matters of Council or Committees not governed by the provisions of this by-law shall be governed by Roberts Rules of Order.
- (8) The business of each meeting shall be taken up in the order in which it stands on the agenda, unless the Chair, or the members by majority vote, determine otherwise.
- (9) ~~Items of business for inclusion on any agenda shall be delivered in accordance with the timelines as established under corporate policy and procedure, which are sufficient to meet the requirements of Council.~~  
Where further information or reports are necessary for Council and/or Committees to properly review an item of business, the Clerk, **in consultation with the Chief Administration Officer, may** postpone the placement of an item to a future agenda in order to arrange for the provision of the necessary information.
- (10) ~~Notwithstanding the Council and Committee Meetings of this by-law, the Clerk shall be authorized to determine the appropriate meeting at which items of business shall be considered.~~
- (11) No person, except Members and employees of the Corporation, shall be allowed to **enter the Council seating area** ~~come beyond the public seating area~~ without permission of the Chair **or Council**.
- (12) No person other than the Clerk or designate shall be permitted to distribute materials at a meeting.
- (13) The Clerk shall ensure that any material relating to any matter for which a meeting may resolve into closed session under the *Municipal*

Act, is circulated as confidential material. **Subject to the Municipal Freedom of Information and Protection of Privacy Act;** which the materials shall remain confidential unless Council, ~~or the relevant department head, in consultation with the Town Solicitor~~ approves its release or partial release, as a public document.

- (14) ~~Notwithstanding any other provision of this by-law, matters of either a routine nature, where Council is deemed by the Clerk to be in possession of sufficient information to make a decision, or matters of an urgent nature, as determined by the Clerk, may be referred directly to regular Council or Planning and Development Council, as required.~~
- (15) ~~Where employees of the Corporation have been directed by resolution of Council to carry out a specific action and it is determined subsequently that the action cannot be carried out in accordance with Council's resolution, Council will be notified as soon as possible of these findings and further direction shall be requested of Council, as required.~~
- ~~Reports and minutes from citizen advisory and special committees shall be treated as items of business, and shall be presented to Council in the same manner as other items of business.~~
- (16) The authority to hold public hearings may be delegated to the most appropriate person or body determined by Council, in accordance with the **Delegation of Municipal Powers and Duties Policy or the Municipal Powers and Duties By-law.**~~Corporate Delegation Policy.~~
- (17) If it appears that **weather or other circumstance impedes Members from attending the meeting location, the mayor** ~~inclement weather or like occurrence, or an emergency situation will prevent the members from attending a meeting, the Mayor~~ may direct the Clerk to postpone the meeting by contacting as many members as **possible.** ~~they are he/she is able to reach.~~ Postponement shall not extend beyond the date of the next regularly scheduled meeting. **Alternatively, the Chair may determine to conduct the meeting in a fully virtual format.**
- (18) ~~Notwithstanding any other provision in this by-law, a regular or special meeting of Council, or committee of Council, may be conducted by electronic means when it has been determined by the Mayor and Chief Administrative Officer that electronic participation will be required by all or some Members attending a meeting. In person attendance at such meetings may be restricted by the Mayor and Chief Administrative~~

~~Officer subject to the meeting being open to the public by electronic means.~~

- (19) All Council and Committee meetings will be livestreamed and recorded unless determined otherwise by the Clerk. Livestreaming and recording will be suspended should Council or Committee proceed into a closed session or if the meeting location does not support livestreaming recording.

### 3. ROLE OF THE MAYOR AS HEAD OF COUNCIL AND ROLE OF COUNCIL

- (1) The role of the Mayor as Head of Council is to:
- a) *act as chief executive officer of the municipality;*
  - b) *preside over Council meetings so that its business can be carried out efficiently and effectively;*
  - c) *provide leadership to the Council;*
  - d) *without limiting clause (c), to provide information and recommendations to the Council with respect to the role of Council described in clauses 3(3) e) and f) below;*
  - e) *represent the municipality at official functions;*
  - f) *carry out the duties of the Head of Council under this by-law or any Act;*
  - g) *uphold and promote the purposes of the municipality;*
  - h) *promote public involvement in the municipality's activities;*
  - i) *act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and*
  - j) *participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.<sup>1</sup> (italics added)*
- (2) The Mayor, as Head of Council, if present, shall preside as Chair at all regular or special meetings of Council, except where the provisions of section 4 apply.
- (3) The role of Council is to:
- a) *represent the public and to consider the well-being and interests of the municipality;*
  - b) *develop and evaluate the policies and programs of the municipality;*
  - c) *determine which services the municipality provides;*

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<sup>1</sup> Municipal Act 2001, as amended; section 225 (a)-(e); section 226.1 (a)-(d).

- d) *ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;*
  - e) *ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;*
  - f) *maintain the financial integrity of the municipality; and*
  - g) *carry out the duties of Council under this by-law or any Act<sup>2</sup>. (italics added)*
- (4) Council may deal with all matters within its jurisdiction. A motion or resolution pertaining to the exercise of a power or powers not within the jurisdiction of Council, shall not be in order nor in effect if passed.
- (5) Members shall inform the Clerk's office of all planned absences, late arrivals and early departures from a meeting.
- (6) Members shall adhere to all Corporate policies governing the conduct of Council and/or staff.
- (7) A member unable to attend a Council or committee of Council meeting **in person**, may participate in the meeting by electronic means subject to the following:
- a) Electronic means of participating in a meeting are available.
  - b) Electronic participation must be clear and uninterrupted and allow for two way communication. Should the electronic participation result in any unreasonable delay or interference with the meeting the connection will be discontinued.
  - c) ~~Requests to participate electronically must be received by the Mayor and the Town Clerk by noon the day of the meeting or earlier as the Town Clerk determines necessary.~~
  - d) ~~The Chair will canvass the Members participating electronically about their intention to speak, ask questions and place motions. After putting a motion to a vote, the member participating electronically will be required to identify verbally or by show of hands visible on video, how they wish to vote.~~

~~Members participating electronically in accordance with Section 3(7) may participate in meetings closed to the public pursuant to Section 6 Closed Session.~~

~~Members participating electronically and in person shall be counted for the purpose of quorum.~~

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<sup>2</sup> Municipal Act 2001, as amended; section 224 (a)-(g).

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#### 4. DETERMINATION OF ACTING MAYOR AND CHAIRS OF COMMITTEES

- (1) In accordance with the Act:
  - a) *A municipality may, by by-law or resolution, appoint a member of the council to act in the place of the head of council or other member of council designated to preside at meetings in the municipality's procedure by-law when the head of council or designated member is absent or refuses to act or the office is vacant, and while so acting such member has all the powers and duties of the head of council or designated member, as the case may be, with respect to the role of presiding at meetings.<sup>3</sup>*
- (2) At its first meeting in a year in which a municipal election is held, Council shall by by-law, appoint in surname alphabetical order, unless otherwise determined by Council, the Members of Council to act from time to time in the place and stead of the Mayor. Each member shall have an equal opportunity to serve as Acting Mayor during the term of Council.
- (3) The first Acting Mayor for December shall, where possible, be a returning member of Council and the rotation of members shall proceed thereafter in alphabetical order.
- (4) ~~In the absence of the Mayor from the municipality, or if he/she is absent through illness or if he/she refuses to act or his/her office is vacant, or otherwise at the request of the Mayor, the Acting Mayor as determined by by-law shall serve as Acting Mayor.~~

Where the Acting Mayor is unable to serve in that capacity, the next Acting Mayor as determined by by-law shall serve in their place.

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<sup>3</sup> Municipal Act 2001, as amended; section 242.

## 5. COUNCIL AND COMMITTEE MEETINGS

### 5.1 Schedule of Meetings

- (1) Council shall adopt a schedule of meetings annually.  
~~Council shall adopt a schedule of meetings annually and any changes to this schedule shall be authorized by Council.~~
- (2) Where it has been determined by the Mayor and the Clerk that there are insufficient agenda items for a meeting, the Clerk shall cancel the meeting and provide public notice accordingly.
- (3) The Mayor may authorize an earlier or later commencement time or location of any meeting scheduled under this By-law, a change to the location of a meeting and the notice provisions under section 8 shall apply. ~~The Clerk shall notify all members and provide public notice accordingly.~~

### 5.2 Inaugural Meeting

- (1) The Inaugural meeting of Council shall be held on the third Monday in November following a regular municipal election.
- (2) The Inaugural Council agenda shall include the following items:
  - a) declaration of office for all Members of Council; and
  - b) a by-law to establish the rotation for Members of Council to serve as Acting Mayor.

### 5.3 Regular Council Meeting

- (1) Regular Council meetings shall be held Monday evenings in the Council Chamber at Town Hall every four weeks, commencing at 6:30 p.m., unless otherwise authorized.
- (2) ~~Council shall address minutes, reports of standing committees, administrative and community service issues and reports of the Mayor and CAO, as required, and any other time sensitive matters or any matter authorized by Council.~~
- (3) The Clerk shall have an agenda prepared for all regular Council meetings with the order of business as follows:
  1. O Canada
  2. Land Acknowledgement
  3. Regrets

4. Declarations of Pecuniary Interest
  5. Confirmation of Minutes of the previous Council meeting(s)
  6. Public Presentation(s)
  7. ~~Standing~~ Committee Minutes
  8. ~~Committee of the Whole~~
  9. Agenda Items
    - a. **Advisory Committee Minutes**
    - b. Consent Item(s)
    - c. Confidential Consent Item(s)
    - d. Discussion Item(s)
    - e. Confidential Discussion Item(s)
    - f. ~~Advisory Committee Minutes~~
  10. ~~Rise and Report to Council~~
  11. Staff Memoranda (Staff Memos)
  12. ~~Status of Outstanding Issues~~
  13. New Business (in accordance with section 17)
    - a. Emergency
    - b. Congratulatory
    - c. Condolence
    - d. Notice of Motion (in accordance with section 14.1)
  14. Regional Reports and Question Period Regarding Town Boards and Advisory Committees
  15. Requests for Reports
  16. Consideration and Reading of By-law(s)
  17. Adjournment
- (4) ~~The Clerk may prepare an addendum to the meeting agenda containing any minutes, Notice of Motions, reports, by-laws or additional information required for the Council meeting. Any addendum shall be prepared and delivered to Council and made available to the public no less than 72 hours prior to the Council Meeting.~~

#### 5.4 Planning and Development Council Meeting

- (1) Planning and Development Council meetings shall be held Monday evenings in the Council Chamber at Town Hall ~~every four weeks,~~ commencing at 6:30 p.m. unless otherwise authorized.
- (2) ~~The Planning and Development Council shall address planning and development issues, including land use, building regulations and public meetings **hearings** primarily relating to or within the scope of responsibility of the Community Development Commission.~~
- (3) The following statement shall be printed on the agenda of any public meeting conducted under the provisions of the *Planning Act*, and such statement shall be deemed to satisfy the requirement for providing notice to the public in compliance with the legislation:

~~If a person or public body does not make oral submissions at a public meeting or make written submissions to Council on a proposed Official Plan Amendment, Zoning By-law Amendment and/or Plan of Subdivision or Condominium, before a decision is made, the person or public body is not entitled to appeal the decision of Oakville Council to the Local Planning Appeal Tribunal (LPAT); and may not be added as a party to the hearing of an appeal before the LPAT.~~

If a person or public body would otherwise have an ability to appeal a decision of Oakville Council with respect to an official plan or zoning by-law amendment to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Oakville Council before the proposed official plan amendment is adopted or the proposed zoning by-law amendment passed. the person or public body is not entitled to appeal the decision. Persons who may otherwise have an ability to appeal an approval of an Official Plan amendment or Zoning By-law amendment are limited to persons listed in Sections 17 (24) and 34(19) of the *Planning Act*, respectively.

If a person or public body does not make oral submissions at a public meeting or make written submissions to Oakville Council before the proposed official plan amendment is adopted is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

(4) When Council amends a proposed zoning or rezoning by-law after the holding of a public meeting as required by the *Planning Act*, the Council shall immediately vote on the question of whether or not any further notice is to be given in respect of the proposed by-law, as amended.

(5) The Clerk shall have an agenda prepared for all Planning and Development Council meetings as follows:

1. Regrets
2. Declarations of Pecuniary Interest
3. Confirmation of Minutes of the previous Planning and Development Council meeting(s)
4. ~~Committee of the Whole~~
5. Agenda Items
  - a. Advisory Committee Minutes
  - b. Consent Item(s)
  - c. Confidential Consent Item(s)
  - d. Public Hearing Item(s)
  - e. Discussion Item(s)
  - f. Confidential Discussion Item(s)

- ~~g. Advisory Committee Minutes~~
- ~~6. Rise and Report to Council~~
- 7. New Business (in accordance with section 17)
  - a. Emergency
  - b. Congratulatory
  - c. Condolence
  - d. Notices of Motion
- 8. Requests for Reports
- 9. Consideration and Reading of By-law(s)
- 10. Adjournment

~~The Clerk may prepare an addendum to the meeting agenda containing any minutes, reports, by-laws or additional information required for the Planning and Development Council meeting. Any addendum shall be prepared and delivered to Council and made available to the public no less than 72 hours prior to the Council Meeting.~~

### 5.5 Special Meetings of Council

- (1) Council may, by resolution, authorize the holding of a Special Meeting for a specified purpose and no other business shall be transacted at that meeting.
- (2) **In accordance with the Act:**
  - a) *The Mayor may, at any time, call a Special Meeting.*
  - b) *upon receipt of a petition of the majority of the members of council, the clerk shall call a special meeting for the purpose and at the time mentioned in the petition*<sup>4</sup>~~Upon receipt of a petition requesting a Special Meeting, signed by a majority of the members, the Clerk shall call a Special Meeting for the purpose and at the time mentioned in the petition.~~
- (3) Notice provisions under **section 8 shall** apply to all Special Meetings of Council.
- (4) All Special Meetings shall be held in the Council Chambers, or at a suitable meeting place, which shall be specified by the Clerk in the notice of the meeting.
- (5) The Clerk shall have an agenda prepared for all Special Meetings of Council with the order of business as follows:
  - 6. Regrets
  - 7. Declaration of Pecuniary Interest
  - 8. Agenda Item(s)

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<sup>4</sup> Municipal Act 2001, as amended; section 240 (a) and (b)

9. Consideration and Reading of By-law(s)
10. Adjournment

### 5.6 Committee of the Whole

- (1) Council may ~~resolve~~ **refer a matter** ~~at any time in to a Committee of the Whole session meeting by resolution,~~ **and notice provisions under section 8 shall apply.**
- (2) Committee of the Whole follows the rules of procedure governing ~~Standing Committees,~~ established in section 5.8 of this by-law, with the exception of section 5.8(2) to enable recorded votes, and section 5.8(8) to permit the suspension of the rules of this by-law.
- (3) ~~Committee of the Whole meetings may be authorized to be held apart from Council meetings for any purpose including for a Workshop meeting to allow for educating and training the members of Council.~~
- (4) **Committee of the Whole meetings held under 5.6 (3) will be called under the authorization of the Mayor, notice provisions under section 8 shall apply.**
- (5) The Mayor shall be the Chair of the Committee of the Whole, but may appoint another member to act as Chair in their stead. The Mayor shall resume the Chair in the event of disorder in the meeting.
- (6) The Committee of the Whole shall consider and report on the following:
  - a) any other matter or item of business which has been referred to the Committee by Council;
  - b) communications which have been referred to the committee;
  - c) ~~all items as listed on the Committee of the Whole agenda when held apart from a Council meeting.~~
  - d) **Upon recommendations to council, the committee is dissolved.**

~~No member of Council may discuss or otherwise deal with any matter in a way that materially advances the business or decision making of Council during a Workshop meeting.~~

(7) The report **minutes from** the Committee of the Whole, ~~when held apart from regular meetings of Council,~~ shall be treated in the same manner as standing committee reports **minutes** when being considered by Council.

~~(8) When sitting in Committee of the Whole as part of the proceedings of a Council meeting, the Committee may resolve back into Council upon~~

~~approving a motion to rise and report to Council, which shall be decided without debate.~~

- ~~(9) The proceedings in Committee of the Whole, when held as part of the proceedings at a Council meeting, shall be reported by the Chair as soon as the Committee rises and reports to Council, and consideration of the Committee report shall be the next order of business.~~
- ~~(10) Members of the public may attend Committee of the Whole Workshop meeting unless the proceedings resolve into Closed Session in accordance with 239(3.1) of the *Municipal Act*. No delegations are permitted at Workshop meetings.~~

### 5.7 Workshop Meetings

- (1) Workshop Meetings are held in Council Chambers, unless another location is chosen and shall be provided on the meeting agenda.
- (2) Notice provisions of a Workshop Meeting are subject to Section 8.
- (3) After the agenda has been publically provided, no new subjects will be added to the Agenda.
- (4) Workshops are for the purpose of information sharing only. No recommendations to Council are permitted.
- (5) The minutes from the Workshop meeting, shall be treated in the same manner as Committee minutes when being considered by Council.
- (6) Any member of the public who attends a Workshop Meeting will be permitted to observe the proceedings unless the proceedings resolve into Closed Session. No Delegations are permitted at Workshop Meetings.
- (7) *A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:*
  - 1. The meeting is held for the purpose of educating or training the members.*
  - 2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee<sup>5</sup>.*

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<sup>5</sup> Municipal Act 2001, as amended; section 239 (3.1)

- (8) Livestreaming of a Workshop Meeting shall be at the discretion of Council and/or the CAO. Meetings may be held where livestreaming is not available and public attendance at these locations is subject to 5.7 (6).

### 5.8 Budget Committee Meeting

- ~~(1) The Budget Committee is a standing committee of Council, composed of the Mayor and all Members of Council.~~
  - ~~(2) The Budget Committee shall elect a Chair at the first meeting of each year. The member elected as Chair shall serve as Chair of the Committee. In the event of the Chair being absent, the members of the Committee shall assume the position of Acting Chair on a rotation basis in alphabetical order according to the first letter of their surname.~~
  - ~~(3) The Clerk shall have an agenda prepared for the Budget Committee meetings as follows:
    1. Regrets
    2. Declarations of Pecuniary Interest
    3. Agenda Items
      - i. Consent Item(s)
      - ii. Confidential Consent Item(s)
      - iii. Discussion Item(s)
      - iv. Confidential Discussion Item(s)
    4. Adjournment~~
  - ~~(4) The Budget Committee shall meet each year, a sufficient number of times as determined by the committee, to review and make recommendations on the proposed annual operating and capital budgets for the upcoming year.~~
  - ~~(5) The Budget Committee shall report to Council on all matters referred to it and shall recommend such action as it deems appropriate.~~
  - ~~(6) Recommendations from the Budget Committee shall be considered in accordance with section 5.9 – Standing Committee Minutes.~~
  - ~~(7) Budget Committee recommendations become resolutions of Council upon approval. Standing committees are not empowered to direct that any action be taken by the Corporation or any of its employees, except to request further clarification or give minor administrative direction on any matter of business under consideration.~~
- (1) As required by The Act, the Mayor shall prepare and propose a budget for Council to consider. This budget will be presented to Council at a

- designated Special Council – Budget meeting. The budget must be proposed on or before February 1 of each year.
- (2) If the Mayor does not propose a budget to Council by February 1, in accordance with that *Municipal Act, 2001*, Council shall prepare and adopt a budget.
  - (3) After receiving the Mayor’s proposed budget, Town Council may, within 30-days, pass motion(s) to amend the proposed budget.
  - (4) Council may reduce the 30-day amendment period.
  - (5) If Council does not approve amendments within the 30-day amendment period, the budget is deemed to be adopted.
  - (6) Within 10-days of the expiry of the Council amendment period, the Mayor may veto any amendments by way of Mayoral decision.
  - (7) The Mayor may shorten the 10-day veto period.
  - (8) Within 15-days of the expiry of the Mayor’s veto period, Town Council may vote to override the Mayor’s veto. Such a vote requires a two-thirds (10 members) vote to be approved.
  - (9) If multiple amendments have been vetoed, a vote of two-thirds (10 members) is required to override each veto.
  - (10) Council may reduce the 15-day veto override period.
  - (11) An approved override cannot be vetoed by the Mayor.
  - (12) Once all processes outlined in this section have been satisfied, the budget is deemed to have been adopted.

### **5.9 Standing Committee Procedures**

The rules governing the procedure of Council and the conduct of its members shall be observed in ~~Standing~~ Committee meetings, including the rules governing the procedure of Council and the conduct of its members shall be observed in ~~Standing~~ Committee meetings, including delegations, so far as applicable, except that:

- (1) motions do not require a seconder;
- (2) recorded votes shall not be permitted;
- (3) a motion to close the debate (call the question) shall not be permitted;
- (4) a member shall not be restricted to asking questions only of the previous speaker, but questions shall directly relate to the matter under discussion;
- (5) all motions shall be entered in the minutes;
- (6) the introduction of new business shall not be permitted;
- (7) delegations to the Committee shall follow the direction outlined in **Section 10 – Delegations**.

- (8) committees shall not be permitted to suspend the rules of this by-law; and
- (9) A motion for reconsideration may only be introduced by a Member who voted in the majority, on the original motion during the same meeting as the original vote.
- (10) A motion to reconsider may be introduced at any point prior to adjournment of the meeting.
- (11) A motion to reconsider shall be seconded by any member present.
- (12) When a motion for reconsideration is introduced, no discussion of the original motion shall be allowed unless the motion for reconsideration is approved by the majority of the members present.
- (13) No motion shall be reconsidered more than once, nor shall a motion to reconsider be reconsidered.
- (14) If a motion to reconsider is decided in the affirmative, the reconsideration of the original motion shall become the next order of business.
- (15) As a result of an affirmative motion of reconsideration, the debate on the original motion being considered shall proceed as though it had never previously been voted on.

~~a motion to reconsider shall not be permitted unless the matter is to be considered at the same meeting or where the matter has been referred back to the Committee for further review, prior to the matter being resolved by Council.~~

### 5.10 Standing Committee Minutes

- (1) ~~Standing~~ Committee minutes may be adopted and confirmed by Council in a single motion, and the passage of such motion shall be taken to confirm all of the proceedings taken in the meeting and adopt and ratify all recommendations therein, except for those matters dealt with or voted on separately.
- (2) A motion to adopt ~~standing~~ Committee minutes referred to in subsection (1) above shall:
  - i. not be amended; and
  - ii. not be debated.
- (3) Prior to the adoption of ~~standing~~ Committee minutes, any member may request that an item be separated for consideration, or be voted on separately.

- (4) When a request to separate a ~~standing~~ Committee item is accepted by the Chair, a motion to approve or not approve the separated item as recommended by the Committee will be the next order of business following the adoption of the remaining items.
- (5) Amendments to a ~~standing~~ Committee recommendation shall be in order, however, a contrary motion to any recommendation of a ~~standing~~ Committee shall not be accepted until such time as the Committee recommendation has been voted on and lost.

### 5.11 Addendums and Revised Agendas

- (1) The Clerk may prepare an addendum to the meeting agenda for additional information required for the meeting. Any addendum shall be prepared and delivered to Council and made available to the public no less than 72 hours prior to the meeting.
- (2) The Clerk may prepare a revised agenda on the day of the meeting which will include any additional material for the meeting.

### Special Committees

- ~~(1) A Special Committee may be struck by Council to consider and report on a specific subject, project, or undertaking.~~
- ~~(2) When a Special Committee has been struck by Council or the Mayor, the member who shall serve as Chair shall be determined by the committee at its first meeting.~~
- ~~(3) When a Special Committee has completed its mandate and filed a final report with Council, the Committee shall be deemed to be dissolved, unless otherwise determined by Council.~~

## 6. CLOSED SESSION

- (1) Except as provided in this by-law, all meetings shall be open to the public.
- (2) In accordance with the provisions of the Municipal Act, *a meeting or part of a meeting may be closed to the public if the subject matter being considered is:*
  - a) *The security of the property of the municipality or local board;*
  - b) *Personal matters about an identifiable individual, including municipal or local board employees;*
  - c) *A proposed or pending acquisition or disposition of land by the municipality or local board;*

- d) *Labour relations or employee negotiations;*
  - e) *Litigation or potential litigation, 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; or*
  - 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. (italics added)*
- (3) In accordance with the provisions of the *Municipal Act*, a meeting or part of a meeting shall be closed to the public if the subject matter being considered:
- a) *Relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the Council, board, commission or other body is the head of an institution for the purposes of that Act; or*
  - b) *An ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13(1), or the investigator referred to in subsection 239.2(1) of the Municipal Act.*
- (3.1) In accordance with the provisions of the *Municipal Act*, a meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
- a) *The meeting is held for the purpose of educating or training the members.*
  - b) *At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee. (italics added)*

- (4) Before holding a meeting or part of a meeting that is to be closed to the public, Council or Committee shall state by resolution:
  - a) That it is proceeding to hold a closed meeting; and
  - b) The general nature of the matter to be considered at the closed meeting, and in the case of an educational or training session, state that it is to be closed under the section 239, subsection 3.1 of the *Municipal Act*.
- (5) A meeting shall not be closed to the public during the taking of a vote except where:
  - a) Section 6(2) or 6(3) of this by-law permits or requires a meeting to be closed to the public; and
  - b) *The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or persons retained by or under contract with the municipality*<sup>6</sup>. *(italics added)*
- (6) Members shall not in any way disclose to any person or other body, by any means, any reports or items, or disclose the nature or content of any reports or items or of discussions, regarding any matters that are confidential and or are part of a confidential agenda, without approval of such release by Council. Where possible, staff shall place an item on the public agenda.
- (7) The Clerk shall be responsible to maintain a confidential copy of all original documentation distributed, and shall keep a record of the meeting in accordance with the *Municipal Act*.
- (8) Copies of any reports or documents circulated separately from the agenda regarding confidential matters related to an individual employee shall be returned to the Clerk at the end of the meeting for destruction.
- (9) Where practical, any closed session shall be held after all public items of business have been resolved.
- (10) While in closed session, the Chair shall ascertain what information shall be released in public.
- (11) On reconvening in public session, the Chair shall accept a motion to resolve the matter publicly, or alternatively advise that direction had been given to staff during the closed session in accordance with the *Municipal Act*.

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<sup>6</sup> Municipal Act 2001, as amended sections 239 (2); (3); (3.1); and (6)(b)

- (12) Any person may file a complaint as to whether the municipality has complied with The Municipal Act by filing the complaint with the Clerk for submission to an Investigator appointed under section 239.2 of the Act.
- (13) Any Member participating electronically under section 3.(7), may only participate in closed session if they are in a private and secure room, ensuring access is restricted to the Member only.

## 7. DECLARATION OF PECUNIARY INTEREST

- (1) A member shall declare a direct or indirect pecuniary interest in accordance with the *Municipal Conflict of Interest Act*, and;
  - a) *prior to any consideration of the matter at a meeting, shall disclose the interest and the general nature thereof verbally and by filing a written statement of the interest with the Clerk at the meeting or as soon as possible afterwards;*
  - b) *shall not take part in the discussion of, or vote on any motion in respect of the matter;*
  - c) *during or after the meeting, shall not attempt in any way to influence the voting on any such motion<sup>7</sup>; and (italics added)*
  - d) shall be included in the minutes.
- (2) A copy of each written statement shall be kept in a registry which will be available for public inspection.
- (3) Where multiple members have declared a pecuniary interest in a matter, the requirements for quorum established in section 12 of this by-law shall prevail.
- (4) If the declared pecuniary interest under subsection (1) above is with respect to an item on a closed session agenda, in addition to complying with the requirements of subsection (1) above, *the member shall forthwith leave the closed session, or that part of the closed session during which the matter is under consideration<sup>8</sup>.8(italics added)*
- (5) *Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council ..., attended by the member after the meeting referred to in*

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<sup>7</sup> *Municipal Conflict of Interest Act*, 1990; Section 5 (1) (a); (b); and (c)

<sup>8</sup> *Municipal Conflict of Interest Act*, 1990; Section 5 (2)

~~subsection (1)<sup>9</sup> Where the interest of a member has not been disclosed as required by subsection (1) above, by reason of the member's absence from the meeting, the member shall disclose all he interest at the first subsequent meeting thereafter. (*italics added*)~~

- (6) A member may declare an affiliation or personal interest in any item before Council or Committee which is not pecuniary in nature, and such declaration shall not preclude or excuse the member from participating in debate or voting on the item and this interest shall be recorded in the minutes. Notwithstanding a declaration under this subsection, every member present shall be deemed to vote against the motion if he/she declines or abstains from voting pursuant to section 14.6(5).

## 8. NOTICE OF MEETINGS

- (1) The Clerk shall provide the public with notice of the Council and Committee schedule by annually posting a calendar of the meetings on the Town of Oakville website. Any amendments or cancellations to such meetings shall be posted as required.
- (2) The meeting agenda shall constitute notice of each individual meeting, shall include all relevant material on any matter to be considered by Council and committees, and shall be posted on the Town website subsequent to the material being forwarded to the members and senior management.
- (3) Meeting agendas shall either be hand delivered, mailed, or sent electronically to each member a minimum of 48 hours prior to the meeting, unless a Special Meeting is called pursuant to subsection (6).
- (4) Lack of receipt of the notice shall not affect the validity of the meeting or any action taken at that meeting.
- (5) Notice of a Special Meeting shall specify the purpose of the meeting.
- (6) Notwithstanding any other provision of this by-law, a Special Meeting may be held, without notice, to deal with an emergency situation as defined under the *Emergency Management and Civil Protection Act* or **urgent and important matters as determined by the Mayor**, provided that an attempt has been made to reach the members by telephone and/or email. No business, except business dealing directly with the emergency situation, shall be transacted at that meeting.

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<sup>9</sup> *Municipal Conflict of Interest Act, 1990; Section 5 (3)*

- (7) Where public notice of any matter is required and is not otherwise provided for by legislation, it shall be provided in accordance with Council policy and procedure relating to the Town of Oakville's Public Notice and Engagement Policy.

## 9. PUBLIC PRESENTATIONS

- (1) Any person wishing to make a public presentation at a regular Council meeting shall submit a request to the Clerk no later than three weeks prior to the meeting.
- (2) All requests for public presentations shall be forwarded to the Mayor for approval prior to being listed on the agenda.
- (3) Public presentations shall be heard only at regular Council.
- (4) Public presentations shall be:
  - a) limited to 10 minutes in duration per item;
  - b) matters of community wide interest; and
  - c) items not requiring any action to be taken by Council.
- (5) Presentations by the public relating to an item on the agenda are deemed to be delegations and therefore subject to section 10 of this by-law (Delegations).
- (6) Public presentations may be permitted by way of electronic submission received in advance of the meeting, which shall be submitted to the Town Clerk and approved by the Mayor.

## 10. DELEGATIONS

- (1) Persons wishing to delegate at Council, Planning and Development Council and any Special Meetings of Council or Council Committee meetings, are required to ~~encouraged to advise~~ register with the Clerk, no later than noon on the day of a meeting commencing after six p.m. and by noon on the last business day before a meeting held prior to six p.m. ~~Delegations must provide their name, contact information, association with any organization, if applicable and the agenda item to be addressed.~~
- (2) **During Public Hearings, after registered delegations have been heard, the Chair shall ask all present if there are any delegations from the floor. (*Planning Act, 1990; Sect. 34 (14.2); Sect. 17 (19.2)*)**

- (3) Delegations are only permitted to speak to matters listed within: Consent, Discussion, Public Hearings; or Advisory Committee Minutes sections of the published agenda. ~~any item on the agenda. Delegations shall not be permitted to speak to items listed under Information Items and/or Status of Outstanding Issues on the Council agenda.~~
- (4) Delegations appearing before Council, who have previously appeared before Council on the same subject matter, shall be limited to providing only new information in their second and any subsequent appearances.
- (5) **Any person wishing to present materials either in hard copy or electronically shall submit a copy of the material to the Clerk no later than noon on the day of the meeting commencing after six p.m. and by noon on the last business day before a meeting held prior to six p.m..**
- (6) ~~Any person wishing to present materials either in hard copy or electronically shall submit a copy of the material to the Clerk no later than noon on the day of the meeting, or alternatively provide 20 hard copies to the Clerk at the meeting for distribution. No person other than the Clerk or designate shall be permitted to distribute materials at a meeting.~~

Unless otherwise authorized by resolution, or by a majority vote of the Council or Committee, a delegation shall be permitted to speak for a maximum of 10 minutes per agenda item, excluding replies to questions from the members.

- (7) Following each delegation, Members of Council may ask questions of the delegate.
- (8) Delegations shall be encouraged to submit any questions they may have to the Clerk in writing prior to the meeting.
- (9) Questions of staff by any delegate shall be received by the Chair and addressed when practical prior to the consideration of the subject item, after the conclusion of all delegations.
- (10) Groups are encouraged to select a spokesperson to present their views, however, if a delegation involves two or more people, the total presentation time is still limited to 10 minutes.
- (11) **Electronic participation through the Town's virtual system is permitted. Arrangements are made through section (1). Electronic participation must be clear and uninterrupted and allow for two way communication. Should the participation result in any unreasonable delay or interference with the meeting, the connection will be discontinued.**

~~Public delegations may be permitted by electronic means subject to the following:~~

- ~~a) Electronic means of participating in a meeting are available.~~
- ~~b) Electronic participation must be clear and uninterrupted and allow for two-way communication. Should the electronic participation result in any unreasonable delay or interference with the meeting, the connection will be discontinued.~~
- ~~c) Requests to participate electronically in a meeting other than a Public Hearing item must be received by the Town Clerk no later than noon on the day of a meeting commencing after six p.m. and by noon on the last business day before a meeting held prior to six p.m.~~
- ~~d) Requests to participate electronically in a Public Hearing item are encouraged to be submitted to the Town Clerk by noon on the last business day before the day of the meeting and will also be received during the meeting if attendance at the meeting by members of the public has been restricted under subsection 2(21).~~

(12) No delegations shall be permitted to speak to a reconsideration.

## 11. CORRESPONDENCE, PETITIONS AND COUNCIL INFORMATION PACKAGE

- (1) Any correspondence, communication or petitions intended for presentation to Council or a Committee shall be legible and shall not contain any defamatory allegations, or impertinent or improper matter, or electioneering, and:
  - a) shall be signed by at least one person giving their name and mailing address;
  - b) when delivered by email, shall contain the mailing address of the sender and any attachments shall be in a printable format; and
  - c) when delivered by facsimile transmission, shall contain the facsimile number as well as the name and mailing address of the sender; and
  - d) In accordance with MFIPPA, personal information shall be redacted prior to distribution by the Clerk.
- (2) Petitions:
  - a) about a matter on a meeting agenda, received by the Clerk will become part of the public record and may be published on an agenda and/or the Town website with personal information removed redacted.
  - b) Received by the Clerk that are not related to a matter on the agenda will be published in the Council Information Package.
  - c) All petitions will be available publicly in their entirety in the Clerks office for viewing.

~~Where appropriate, any general correspondence or communications, and/or petitions addressed to Council shall be:~~

- ~~a) Directed to the appropriate town department for information and action;~~
- ~~b) Circulated to Members of Council for information;~~
- ~~c) Listed under 'Information Items' on the Council agenda; and~~
- ~~d) Made available for public viewing in the Clerk's department.~~

~~Any member may request a report at a regular Council meeting on any information item for consideration on a future agenda in accordance with section 17.~~

## 12. QUORUM

~~(1) Except as authorized by 3(7) attendance of a Member shall be in person. Written comments may be submitted in accordance with section 11 of this by-law.~~

**A quorum shall be eight (8) members as it applies to Council, constituting a majority of the members.**

(2) If quorum is lost as a result of declarations of pecuniary interest by one or more members, the remaining members shall be deemed to constitute a quorum, provided the number of such members is not fewer than two.

(3) The Chair shall call the meeting to order at the time fixed for the holding of the meeting, unless quorum is not present.

(4) If there is no quorum present within one-half hour after the time appointed for the meeting, the meeting shall stand adjourned until the date and time of the next regular meeting, and the Clerk shall record the names of the members present.

(5) In the event the Mayor or the Chair does not attend within 15 minutes after the time appointed for a meeting of Council or Committee, the Acting Mayor or next Chair shall assume the Chair for the meeting, and where quorum is present, call the meeting to order and preside over the meeting until the arrival of the Mayor or the Chair.

**(6) If quorum is lost at any time during the meeting, the meeting shall recess for a period of one-half hour. If quorum is not met after this timeline, the meeting shall adjourn. The names of all Members present shall be recorded at the time of adjournment.**

~~(7) Members participating by electronic means pursuant to s. 3(7) of the by-law shall be counted for the purposes of quorum and at any point in~~

~~time during the meeting, shall be entitled to vote through a vote recorded by the Clerk as if they were attending the meeting in person.~~

## **13. RULES OF CONDUCT**

### **13.1 Chair at Meetings**

It shall be the duty of the Chair of a meeting to:

- (1) Open the meeting by calling the meeting to order;
- (2) Ensure that a quorum is established and is maintained throughout the course of the meeting;
- (3) **Announce any regrets from Members;**
- (4) Announce the business in the order in which it is to be considered;
- (5) Direct discussion in such a manner that all questions and comments shall be presented through the Chair;
- (6) Receive and submit, in the proper manner, all motions presented by the members;
- (7) Put to vote all motions which are moved, and seconded when necessary, or all motions that arise in the course of the proceedings, and announce the result of each vote;
- (8) Decline to put to vote motions that infringe upon the rules under this by-law;
- (9) Uphold on all occasions the rules **of procedure under this by-law** and the observance of order and decorum amongst the members, and the conduct of members and attendees, in accordance with this by-law, Council policies and procedures, or any other applicable legislation;
- (10) Undertake all matters required to permit the meetings to proceed in an orderly and efficient manner;
- (11) Authenticate by signature, all applicable by-laws;
- (12) Adjourn the meeting when the business is concluded, or at the designated time; and
- (13) Adjourn or recess the meeting without question to a time to be named by the Chair, if he/she considers it necessary to establish order.

### **13.2 Questions**

- (1) Prior to accepting a motion the Chair shall permit questions from the members relating to the matter under consideration.

- (2) All members shall address their questions and comments through the Chair.
- (3) Members are encouraged to provide questions to staff prior to the meeting.

### **13.3 Speaking at Meetings**

- (1) The Chair may answer questions and comment in a general way, but if the Chair wishes to make a motion, speak to a motion under consideration, take part in the debate, or leave the chair for any other reason he/she shall first delegate the duties of the Chair to another member in accordance section 4, until he/she resumes the position of Chair.
- (2) When two or more members wish to speak, the Chair shall name the member who is to speak first.
- (3) When a member is recognized by the Chair, ~~he/she~~ they shall confine their remarks to the motion under consideration, and shall be limited to speak for a maximum of five (5) minutes, unless otherwise decided by a majority vote of the members present.
- (4) No member shall speak more than once on an item of business until every member who desires to speak has spoken.
- (5) Any member, wishing to speak on an item of business a second time may do so for a further five (5) minutes.
- (6) When a motion is under debate, a member may ask a question of another member, CAO, or other employee of the corporation, through the Chair.
- (7) Any member may require the motion under debate to be read at any time during the debate, but in doing so shall not interrupt a member while speaking.

### **13.4 Rules of Order**

- (1) A member shall not:
  - a) Disturb Council by any disruptive or distracting conduct, including private conversations or electronic communications among members at a meeting;
  - b) Use profane or offensive words or insulting expressions;
  - c) Disobey the rules of procedure;

- d) Leave his/her seat or make any noise or disturbance while a vote is being taken;
  - e) Speak until he/she has been recognized by the Chair; or
  - f) Interrupt a member who is speaking, except to raise a point of order or a point of privilege.
- (2) A member shall not leave the meeting at any time without advising the Chair or the Clerk.
- (3) In the event that a member persists in a breach of subsection (1) above, after having been called to order by the Chair, the Chair shall without debate call the question “Shall the member be ordered to leave his/her seat for the duration of the meeting?”, and this question shall not be debatable.
- a) If Council decides the question set out in subsection (3) above in the affirmative by a majority vote of the members present, the Chair shall order the member to leave his/her seat for the duration of the meeting.
  - b) If the member apologizes, the Chair, with the approval of Council, may permit him/her to resume his/her seat.
  - c) If a member does not leave his/her seat after being ordered to do so by the Chair in accordance with subsection (4) above, and if the member does not apologize in accordance with subsection (5) above, then the Chair shall direct the Clerk to seek the appropriate assistance from the Halton Regional Police Service.
- (4) When the integrity of an employee of the corporation has been impugned or questioned, the CAO, or his/her representative, shall be permitted with the leave of the Chair, to address Council and/or committee as a point of privilege.

### **13.5 Conduct at Meetings**

- (1) Attendees at a meeting shall maintain order and quiet and shall not display signs or placards, applaud, heckle, or engage in telephone or other conversation, or any behaviour which may be considered disruptive, inconsiderate, disrespectful, or intimidating to others.
- (2) Attendance at a meeting by members of the public shall be in person unless otherwise authorized by the provisions of this by-law.

- (3) All cell phones and electronic devices, except those in use to facilitate the meeting, shall be turned off or otherwise set so as not to emit any audible sound during a meeting.
- (4) Any person that disrupts a meeting shall be asked by the Chair to stop the disruptive behaviour, and if the person persists they shall be asked to leave the meeting.
- (5) If a person refuses to leave the meeting upon being requested to do so by the Chair, the Chair shall recess the meeting and shall direct the Clerk to seek the appropriate assistance from the Halton Regional Police Service.
- (6) **Under The Act**, the Chair may expel or exclude from any meeting any person who disturbs the meeting.
- (7) ~~All Council and committee meetings shall be recorded in video or audio format by the town.~~ Any additional video, photo, and audio recordings undertaken by members of the public shall not be disruptive to the meeting.
- (8) All members, staff and the public shall comply with this by-law and related Town policies and procedures **regarding conduct at meetings.**

## 14. MOTIONS

### 14.1 Notice of Motion

- (1) Notices of Motion may be introduced at regular Council meetings only and shall name the mover and seconder.
- (2) Notices of Motion shall be introduced as new business, shall not be discussed or debated when introduced, and **unless ruled out of order by the Mayor (in the meeting)**, shall be included on the next regular Council meeting agenda for consideration as a 'Discussion Item'.
- (3) A Notice of Motion may be received by the Clerk at any time and when received:
  - a) Prior to noon Wednesday, two weeks prior to the meeting, the notice shall be included on the agenda as a 'New Business' item;

- b) Prior to noon Wednesday, the week prior to the meeting, the notice shall be included on the addendum as a New Business item; and
  - c) After the times noted above, the notice shall be introduced orally under 'New Business' on the agenda.
- (4) The Clerk, with the consent of the mover and seconder, shall be authorized to make minor revisions to the Notice of Motion as required, without changing the intent of the motion.
  - (5) The introduction of a Notice of Motion shall not serve as a request or direction to staff to prepare a report for the return of the motion.

#### 14.2 Request for Reports

- (1) ~~Request for Reports is a motion introduced placed on an as an item of New Business at a regular Council meeting requesting staff to prepare a report to be considered on a future agenda.~~
- (2) **A motion for** a Request for Report ~~may be introduced at regular Council meetings only and shall name~~ have a the mover and seconder.
- (3) ~~A Request for Report may be received by the Clerk at any time and when received will be distributed at the meeting.~~
- (4) **Request for Reports are to be provided to the Clerk for inclusion on regular or addendum agendas.**

#### 14.3 Motion Process

- (1) Where deemed in order by the Chair, every motion shall be moved and seconded before being spoken to, questioned, debated, or put to a vote, except when in committee, where a mover only is required in accordance with the provisions of section 5.8.
- (2) Members shall submit motions and amendments to the Chair and Clerk in writing.
- (3) Where members of the public are to be heard on a matter, no motion shall be received until they have been heard, and no further public participation shall be allowed after the motion has been duly moved, at which time the motion shall be deemed as confined to table for debate of the members only.

- (4) Once moved and seconded a motion may be withdrawn at any time with a consensus of the members.

#### 14.4 Motions

- (1) When any motion is under consideration, no other motion shall be received except a motion as cited below which shall have precedence in the order in which they are named:
- a. Adjourn
  - b. Proceed beyond the hour of 10:30 p.m.
  - c. Recess
  - d. Close debate
  - e. Defer/Postpone
  - f. Refer
  - g. Amend
- (2) A motion to adjourn shall:
- a. not be amendable;
  - b. not be debatable;
  - c. not include qualifications or additional statements;
  - d. always be in order except when a member is speaking or the members are voting or are about to vote; and
  - e. where resolved in the negative, not be presented again prior to further business being conducted.
  - f. **In accordance with section 13.1 the Chair may call the meeting to adjourn.**
- (3) A motion to proceed beyond the hour of 10:30 p.m. shall:
- a. not be amendable;
  - b. not be debatable;
  - c. always be in order except when a member is speaking or the members are voting; and
  - d. requires a two-thirds vote of the members present.
- (4) A motion to recess shall specify the length of time of the recess and shall:
- a. be amendable only with respect to the length of the recess; and
  - b. not be debatable.
  - c. **In accordance with section 13.1 the Chair may call a recess.**
- (5) A motion to close debate or put the question when decided in the affirmative, will result in the preceding motion or amendment being voted on immediately without further debate or comment. A motion to close debate shall:
- a. not be amendable;

- b. not be debatable;
  - c. not be permitted until every member has been afforded an opportunity to speak once to the motion under consideration;
  - d. not be permitted in any committee; and
  - e. require a two-thirds vote of the members present.
- (6) A motion to defer has the effect of postponing consideration of a matter and shall include the time for which the matter is deferred, or a description of the circumstances that would cause the matter to be brought back for consideration. A motion to defer shall:
- a. be amendable as it relates to the time element for the deferral;
  - b. be debatable only with respect to the merits of postponing consideration of the item; and
  - c. preclude amendment and debate of the preceding motion unless the motion to defer has been resolved in the negative.
- (7) A motion to refer has the effect of directing a matter under discussion to a specific Council or committee meeting, or to town staff, the purpose for which shall be stated in the motion. A motion to refer shall:
- a. be amendable;
  - b. be debatable only with respect to the merits of referring the matter, to whom the matter is to be referred and any time period within which the matter is to be reported back; and
  - c. preclude any amendment or debate of the preceding motion unless the motion to refer has been resolved in the negative.
- (8) A motion to amend has the effect of revising the motion under consideration and shall:
- a. be amendable subject to the limitation that only one amendment to an amendment may be under consideration at one time;
  - b. be debatable;
  - c. be limited in that only one motion to amend the main motion shall be allowed at one time;
  - d. be relevant to the main motion; and
  - e. not propose a direct negative to the main motion.
- (9) A motion to Override a Mayoral By-law Veto shall:
- a. Be prepared by a Member of Council with a seconder and presented to the Clerk, in accordance with the Municipal Act
  - b. The Clerk shall add the motion to the next Council Meeting, regular or Special Council Meeting in the Discussion section of the agenda.

- c. In accordance with the Municipal Act, a motion to override a Mayoral By-Law Veto requires two thirds (10) approval by all Members of Council
  - d. In accordance with the Municipal Act, the Mayor may vote on this motion
  - e. In accordance with the Municipal Act, if the motion to override the veto passes, the by-law shall be deemed to have passed on the day Council votes to override the veto.
- (10) A motion to Override a Mayoral Budget Amendment Veto
- a. Be prepared by a Member of Council with a seconder and presented to the Clerk, in accordance with the Municipal Act
  - b. The Clerk shall add the motion to the next Council Meeting, regular or Special Council Meeting.
  - c. In accordance with the Municipal Act, the Mayor may vote on this motion
  - d. In accordance with the Municipal Act, if the motion to override the veto passes, the budget amendment shall be deemed to have passed on the day Council votes to override the veto.
- (11) Items without recommendations will be received for information.

#### 14.5 Reconsideration of a Motion

- (1) A notice of motion for reconsideration shall not be required for any decision of a previous Council.
- (2) A notice of motion to reconsider a previous decision made during the term of Council shall only be introduced by a member who voted with the majority on the original motion, or who was not in attendance when the vote was called. A notice of motion to reconsider requires a seconder and may be seconded by any member.
- (3) Any Notice of Motion by a member shall be placed on the next regular Council meeting by the Clerk as a discussion item.
- (4) A motion to reconsider shall not be amended, but may be debated and such debate shall be confined to reasons for or against reconsideration.
- (5) The mover of a motion to reconsider shall specify whether the reconsideration will address the entire original motion or part of the original motion.

~~When a motion for reconsideration is introduced at the same meeting at which the original motion was decided, a motion to reconsider may be introduced at any point prior to adjournment of the meeting.~~

~~When a motion for reconsideration is introduced at the same meeting at which the original motion was decided, no discussion of the original motion shall be allowed unless the motion for reconsideration is approved by the majority of the members present.~~

- (6) ~~When a motion for reconsideration is introduced at a subsequent meeting, the motion to reconsider shall be introduced by a 'Notice of Motion' in accordance with section 14.1 of this by-law and shall require approval by at least two-thirds of the entire Council.~~ Any motion for reconsideration requires at least two thirds of the members present.
- (7) No motion shall be reconsidered more than once, nor shall a motion to reconsider be reconsidered.
- (8) When a motion for reconsideration is introduced at the same meeting at which the original motion was decided, a motion to reconsider shall only be introduced by a member who voted with the majority on the original motion, at any point prior to adjournment of the meeting. A motion to reconsider requires a seconder and may be seconded by any member.
- (9) Any motion to reconsider at the same meeting does not require notice or a waiving of notice.
- (10) When a motion for reconsideration is introduced at the same meeting at which the original motion was decided, no discussion of the original motion shall be allowed unless the motion for reconsideration is approved by the majority of the members present.
- (11) If a motion to reconsider is decided in the affirmative, the reconsideration of the original motion shall become the next order of business, unless the motion to reconsider calls for a future definite date to consider the original motion.
- (12) As a result of an affirmative motion of reconsideration, the debate on the original motion being considered shall proceed as though it had never previously been voted on.

## 14.6 Voting on Motions

- (1) Voting shall be conducted in the following order:
  - a) amendment to any amending motion;
  - b) upon determination of a) above, any subsequent amendment to the amending motion;
  - c) the amending motion;
  - d) the main motion (as amended).
- (2) When the motion under consideration contains distinct recommendations, a member may request that the vote be taken separately on each recommendation.
- (3) The Chair shall call the vote immediately after all members desiring to speak to the motion have spoken.
- (4) Upon the Chair calling for a vote, no further speakers shall be permitted.
- (5) Every member present shall vote on every motion, unless the member has declared a pecuniary interest.
- (6) Every member present shall be deemed to vote against the motion if he/she declines or abstains from voting, unless disqualified from voting by reason of a declared pecuniary interest. The Clerk shall note that the Member did not vote due to a declared conflict.
- (7) The manner of determining the vote on a motion shall be at the discretion of the Chair, and may be by voice, show of hands, standing, electronic tally or otherwise but shall not be by secret ballot.
- (8) The Chair shall announce the result of every vote.
- (9) If a member disagrees with the announcement of the result of any vote, he/she may object immediately to the announcement and require that the vote be retaken.
- (10) Any motion upon which there is a tied vote shall be deemed to have been decided in the negative.
- (11) No vote shall be taken at any meeting by any method of secret voting, except where permitted or required by law.

#### **14.7 Recorded Votes**

- (1) A recorded vote shall be taken when called for by any member or when required by law.

- (2) A member may call for a recorded vote ~~immediately prior or immediately subsequent~~ to the taking of the vote.
- (3) When a recorded vote is taken, the names of those who voted for and those who voted against the motion shall be entered in the Council minutes.

## 15. POINT OF PRIVILEGE

- (1) A member may at any time raise a point of privilege directing attention to a matter that affects the integrity, character or reputation of an individual, individuals or the entire Council, or the ability of an individual to participate.
- (2) A point of privilege shall take precedence over any other matter.
- (3) A member shall not be permitted to enter into any debate or introduce any motion not related to the point of privilege.
- (4) The Chair shall decide upon the point of privilege and advise the members of the decision.
- (5) Unless a member immediately appeals the Chair's decision, the decision of the Chair shall be final.
- (6) If the decision of the Chair is appealed, the question "Shall the ruling of the Chair be upheld?" shall be called without debate, and its results shall be final.
  - a. **If the ruling of the Chair is upheld, then the original decision of the Chair stands.**
  - b. **If the ruling of the Chair is not upheld, then** ~~When the matter has been determined to be a point of privilege,~~ the member shall be afforded an opportunity to propose a motion in relation to that point of privilege.

## 16. POINT OF ORDER

- (1) A member may at any time raise a point of order to a perceived violation of the rules of procedure.
- (2) The Chair shall decide upon the point of order and advise the members of the decision.

- (3) Unless a member immediately appeals the Chair's decision, the decision of the Chair shall be final.
- (4) If the decision of the Chair is appealed, the question "Shall the ruling of the Chair be upheld?" shall be called without debate, and its results shall be final.
  - a. If the ruling of the Chair is upheld, then the original decision of the Chair stands.
  - b. If the ruling of the Chair is not upheld, then the member shall be afforded an opportunity to propose a motion in relation to that point of order.

### **17. NEW BUSINESS**

- (1) New business shall not be introduced unless it is of an emergency, congratulatory, or condolence nature.
- (2) New Business that is not of an emergency, congratulatory or condolence nature, may be introduced at regular Council meetings by a notice of motion in accordance with section 14.1.
- (3) The Mayor and Clerk shall be advised in writing, where possible, of all new business by noon on the Wednesday prior to the meeting at which the item of new business is being introduced.
- (4) The Clerk will not record commentary, only whether or not new business was discussed.

### **18. UNFINISHED BUSINESS**

- (1) Items on an agenda that have not been dealt with shall be repeated on each subsequent meeting agenda until resolved or removed from the agenda by resolution.

### **19. ADJOURNMENT**

- (1) All meetings shall adjourn at 10:30 p.m., unless a motion to proceed beyond 10:30 p.m. in accordance with section 14.4(3) of this by-law is approved.

## 20. ENACTMENT OF BY-LAWS

### 20.1 By-law Approval Process

- (1) Every by-law shall be listed on the agenda by an identifying number, followed by a brief description of the intent of the by-law.
- (2) Upon accepting a motion to approve the by-laws listed on the agenda, the Chair shall determine if the members have questions or proposed amendments, or if discussion is required, prior to calling the vote on the motion.
- (3) Every by-law may be debated, amended or referred to a named committee or to staff for further consideration.
- (4) Where a by-law has been presented which implements the decision of the current Council, no debate shall be allowed which would involve a reconsideration of such decision or of any part thereof, until the provisions of section 14.5 of this by-law have been met.
- (5) Every by-law passed by Council shall be signed by the **Mayor/Acting Mayor** and the Clerk, sealed with the seal of the corporation and show the date of approval.

### 20.2 Mayor Presented By-law

- (1) ) Despite any procedure by-law passed by the municipality under subsection 238 (2) [of the Municipal Act., 2001] and subject to any prescribed requirements, if the head of council is of the opinion that a by-law could potentially advance a prescribed provincial priority, the head of council may propose the by-law to the council [without notice] and require the council to consider and vote on the proposed by-law at a meeting.*
- (2) The head of council shall, in accordance with the regulations, provide to the clerk and to each member of council,*
  - (a) a copy of any by-law proposed under subsection (1); and*
  - (b) the head of council's reasons for the proposal;*
- (3) A by-law described in subsection (2) is passed if more than one third (6 Members) of the members of council vote in favour of the by-law.*

*(4) For greater certainty, the head of council may vote as a member of council in a vote to pass a by-law described in subsection (2).<sup>10</sup>*

### **20.3 Confirming By-law**

The proceedings at every Council meeting shall be confirmed by by-law, so that every decision of Council at that meeting and every resolution passed shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.

### **21. SHORT TITLE**

This by-law may be referred to as the Town of Oakville Procedure By-law.

### **22. REPEAL**

*That By-2020-011 and amending By-laws 2020-049, 2020-067 and 2020-096 and to repeal other by-laws not previously repealed 2008-092, 2010-164, 2013-003, and 2013-086 as of the date this by-law is passed.*

~~By law 2019-024, is repealed as of the date this by-law is passed.~~

### **23. EFFECTIVE DATE**

This by-law shall come into full force on the day it is passed.

PASSED this

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MAYOR

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CLERK

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<sup>10</sup> Municipal Act 2001, as amended; Section 284.11.1 (2); (4) and (5)

**24. SCHEDULE 1 – STANDARD MOTIONS**

<b>Motion</b>	<b>Debatable</b>	<b>Amendable</b>	<b>Special Majority</b>
Adjourn 14.4(2)	No	No	No
Point of Privilege 15.	No	No	Chair Rules*
Point of Order 16.	No	No	Chair Rules*
Call to Close Debate 14.4 (5)	No	No	2/3 Present
Motion to Amend 14.4(8)	Yes	Yes	No
Defer 14.4 (6)	No	No	No
Refer 14.4 (7)	Yes	Yes	No
Extend the Meeting beyond 10:30 p.m. 14.4 (3)	Yes	No	2/3 Present
Reconsideration 14.5	Yes	No	2/3 Present
Appeal the Chair's Ruling 15.(6)	No	No	
Suspend the Rules of Procedure 2. (2)	No	No	2/3 Present
Extend Delegation Speaking Time 10. (6)	No	No	No
Mayor Presented By-law 20.2	Yes	Yes	More than 1/3 of Members of Council (6)**
Matter Proposed by the Mayor (other than a by-law)	Yes	Yes	No
Override of Mayoral By-law Veto 14.4(9)	Yes	No	2/3 of Members of Council (10)**
Override of Mayoral Budget Amendment Veto 14.4(10)	Yes	No	2/3 of Members of Council (10)**
Reconsideration in the same meeting 14.5(8)	Yes	No	Majority

\*A point of order/privilege is ruled on by the Mayor/chair. Any member may appeal the chair's ruling which must then be decided by a majority vote of the members present without debate.

\*\* The Mayor is permitted to vote.