

The Corporation of the Township of South
Stormont

**By-law No. 2015-052 to
Govern the Proceedings
of Council**

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THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2015-052

BEING a by-law to govern the Proceedings of Council and its Committees

WHEREAS the *Municipal Act, 2001*, c. 25 s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25 s. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS the *Municipal Act, S.O. 2001, c. 25* requires municipalities to pass a procedure by-law governing the calling, place and proceedings of Meetings;

AND WHEREAS it is necessary and expedient that there shall be rules governing the order and proceedings of the council and committees of the corporation of the Township of South Stormont;

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 WHEREAS Council provided the required notice, in accordance with the *Act* of their intention to enact this by-law;

NOW THEREFORE Council of the Corporation of the Township of South Stormont enacts as follows:

1.0 Definitions

1.1 "Act"
means the *Municipal Act, S.O. 2001, c. 25*.

1.2 "By-law"
means a local law. A by-law is enacted by Council to exercise a power provided by legislation. It is the most formal document used for complex and legal matters providing authority and direction for the Corporation to act on its own affairs.

1.3 "Chief Administrative Officer"
means the Chief Administrative Officer (CAO) of the Corporation of the Township of South Stormont who is duly appointed by By-law.

1.4 "Clerk"
means the Clerk of the Corporation of the Township of South Stormont who is duly appointed by By-law.

- 1.5 "Closed Meeting"**
also known as "In Camera" means a Meeting or part of a Meeting that is closed to the public in accordance with the *Municipal Act, S.O., 2001, s. 239.*
- 1.6 "Committee"**
means any advisory or other committee, sub-committee, or similar entity of the Corporation of the Township of South Stormont.
- 1.7 "Committee of the Whole" (COTW)**
means the participation of all Members of Council of the Corporation of the Township of South Stormont in a Committee Meeting where Members of Council consider questions with greater freedom of debate.
- 1.8 "Consent Agenda"**
means a component of a Meeting agenda that enables Council to group routine items and motions under one umbrella and is a single item that encompasses all the things Council would normally approve with little comment at a Council Meeting. Items on the consent agenda are not discussed before a vote.
- 1.9 "Council"**
means the Council of the Corporation of the Township of South Stormont.
- 1.10 "Delegation"**
means a maximum of two persons representing a group, who wish to provide information to Council/Committee(s) of Council.
- 1.11 "Head of Council"**
means the Mayor of the Corporation of the Township of South Stormont.
- 1.12 "Meeting"**
means any Regular or Special Meeting of Council, including COTW.
- 1.13 "Member"**
means a person duly elected or appointed to serve on Council or a Committee of Council for the Corporation of the Township of South Stormont
- 1.14 "Minutes"**
means the record of the proceedings of a Meeting and shall be kept in a safe manner.
- 1.15 "Pecuniary Interest"**
(Disclosure of Interest) means a pecuniary interest, direct or indirect, in any matter within the meaning of the *Municipal Conflict of Interest Act.*
- 1.16 "Presiding Officer"**
is the person presiding over a Meeting, who is charged with the responsibility to decide questions and points of order or practice, preserve order and maintain decorum in the proceedings of Council or Committee Meetings.

1.17 "Quorum"

means the majority of the eligible voting Members of Council or Committee.

1.18 "Recorded Vote"

means the recording of the name and vote of every Member on any matter or question where any Member requests that the vote be recorded.

1.19 "Regular Meeting"

means a scheduled Meeting held in accordance with the approved calendar/schedule of Meetings.

1.20 "Resolution"

is a motion once it has been passed.

1.21 "Rules of Procedure"

(Rules of Order) means the applicable procedural rules and rules of conduct contained in this By-law. The proceedings of Council and its Committees, the conduct of the Members, and the calling of Meetings will be governed by the rules and regulations contained in this By-law. Where a matter being considered by Council arises that is not covered in this By-law, Robert's Rules of Order (latest edition) shall apply.

1.22 "Special Meeting"

means a Meeting not scheduled in accordance with the annual approved calendar/schedule of Regular Meetings.

1.23 "Social Media"

Includes all forms of electronic communication such as Facebook, Twitter, blogs and any current or future means of sharing information electronically.

2.0 Role of Council

As defined within the *Municipal Act, 2001*, it is the role of Council

- i) to represent the public and to consider the well-being and interests of the municipality;
- ii) to develop and evaluate the policies and programs of the municipality;
- iii) to determine which services the municipality provides;
- iv) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- v) to ensure the accountability and transparency of the operations of the municipality;
- vi) to maintain the financial integrity of the municipality; and,
- vii) to carry out the duties of Council under this or any other Act.

3.0 Role of the Head of Council

As defined within the *Municipal Act, 2001*, it is the role of the Head of Council,

- i) to act as chief executive officer of the municipality;

- ii) to preside over Council Meetings so that its business can be carried out efficiently and effectively;
- iii) to provide leadership to Council;
- iv) without limiting clause iii), to provide information and recommendations to the Council with respect to the role of Council described in clause 4;
- v) to represent the municipality at official functions; and
- vi) to carry out the duties of the Head of Council under this or any other Act.

The Head of Council, as Chief Executive Officer shall:

- i) uphold and promote the purposes of the municipality;
- ii) promote public involvement in the municipality's activities;
- iii) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and,
- iv) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

4.0 Conduct of Proceedings at a Meeting of Council

4.1 It shall be the duty of the Presiding Officer:

- i) to open the Meeting of Council by taking the chair and calling the Members to order;
- ii) to announce the business before Council in the order that it is to be acted upon;
- iii) to receive and submit, in the proper manner, all motions presented by the Members of Council;
- iv) to put to vote all questions that are regularly moved and seconded, or necessarily arises in the course of proceedings, and to announce the result;
- v) to decline to put to vote motions which infringe the Rules of Procedure;
- vi) to restrain the Members, within the rules of order, when engaged in debate;
- vii) to enforce on all occasions the observance of order and decorum among the Members;
- viii) to call by name any Member persisting in breach of the rules or order of Council thereby ordering the member to vacate Council Chambers;
- ix) to receive all messages and other communications and announce them to Council;
- x) to authenticate, by his/her signature when necessary, all By-laws, Resolutions, and Minutes of Council;
- xi) to inform Council, when necessary or when referred to for the purpose, on a point of order or usage.
- xii) to represent and support Council, declaring its will, and implicitly obeying its decisions in all things;
- xiii) to ensure that the decisions of Council are in conformity with the laws and By-laws governing the activities of Council;
- xiv) to adjourn the Meeting when the business is concluded;

- xv) to adjourn the Meeting without question in the case of grave disorder arising in Council Chambers;
- xvi) to order any individual or group in attendance at the Meeting to cease and desist any behaviour that disrupts the order and decorum of the Meeting and to order an individual or group to vacate Council Chambers where such behaviour persists; and
- xvii) to require all individuals or members of the media to disclose the use of any recording devices prior to the start of any open Meeting.

5.0 Committees

5.1 Appointments – Standing or Ad Hoc Committees

Standing or Ad Hoc Committees may be appointed by Council at any time of the year as deemed necessary for consideration of special matters. Appointments to standing or ad hoc committees may consist of Members of Council or lay appointees. Members of Council appointed to standing or ad hoc Committees must report to Council on Committee business, on a regular basis.

5.2 Terms of Reference

A draft terms of reference shall be presented for Council's approval at the time a standing or ad hoc Committee of Council is established.

5.3 Delegation of Authority

Delegation of authority shall be provided by Council. Committees of Council shall only consider matters referred to them by Council unless authority to do otherwise has been delegated by Council.

5.4 Rules of Procedure

All Rules of Procedure outlined this By-law shall apply to all standing and ad hoc Committees.

5.5 Appointment of Members of Council to Committees

Members of Council shall be appointed by Council to sit on various Committees of Council for a two year term, unless otherwise required by legislation. These appointments may be confirmed at a Meeting of Council at the beginning of the year.

5.6 Lay Appointments

Appointments to any Committee of non-council members may also be confirmed by Council at a Meeting of Council at the beginning of the year, and shall be made using the following criteria:

- i) Public notice soliciting individual applications from citizens of the Township of South Stormont shall be conducted.
- ii) A list of applications received shall be presented to Council during a Closed Meeting.

5.7 Appointment of Other Member – Due to Illness – Absence

Should a Member of Council, appointed to any Committee, be unable to attend the Meetings of such Committee due to illness or absence, Council may appoint another Member to act in

their stead and the Member so appointed shall be deemed to be a Member of the Committee and entitled to act thereon only during such illness or absence.

5.8 Removal of Members not Attending

Should any Member or Members of a Committee neglect or refuse to attend three consecutive Meetings of their Committees, the Presiding Officer shall report such neglect or refusal to Council who may remove the Member or Members of their place; or should any Committee neglect or refuse to give due attention to all business or matters before them, Council may, by Resolution, discharge such Committee member and appoint another in its stead.

5.9 Absence – Presiding Officer

In the absence of the Presiding Officer, one of the other Members shall be elected to preside pro temp, who shall discharge the duties of the Presiding Officer during the Meeting or until the arrival of the Presiding Officer.

5.10 Ex-Officio Member of all Committees

The Mayor shall be an ex-officio member of all Committees and may state his/her opinion on all questions before the Committee and vote on all questions but shall not be counted in the formation of a Quorum.

6.0 Committee of the Whole

Committee of the Whole (COTW) is the participation of all Members of Council of the Corporation of the Township of South Stormont in a Committee Meeting where Members of Council consider questions with greater freedom of debate. When sitting as Committee of the Whole, the results of consensus taken in an open COTW Meeting are not final decisions of Council. Rather, the results have the status of recommendations which Council is given the opportunity to consider further at a formal Council Meeting under its regular rules (Exception: votes taken in a Closed Meeting).

6.1 Meeting Schedule

COTW meetings shall be scheduled on the first Monday of each month commencing at 9:00 A.M.

6.2 Agenda: The COTW Agenda shall include

- i) Call to Order
- ii) Disclosure of Pecuniary Interests
- iii) Approval of Minutes
- iv) Delegations
- v) Staff Reports
- vi) Discussion of Additional Items
- vii) Unfinished Business
- viii) Closed Meeting
- ix) Adjournment by Resolution

6.3 Delivery of COTW Agenda

The Clerk shall deliver an agenda, including all associated reports and notice of a Closed Meeting, if required, for each

Committee of the Whole Meeting, five (5) days prior to the Meeting.

7.0 Meetings

7.1 Orientation for New Councillors

An orientation Meeting shall be held with new Members of Council. This Meeting shall allow the CAO and Clerk to provide new Members with an overview of the expectations of their elected office (e.g. inaugural Meeting, Committee expectations, processes of Council, protocol at Meetings, Procedural By-law, dress codes, payroll and a general overview of the Corporation's role and function).

7.2 Inaugural Meeting of Council

The inaugural Meeting of Council shall be held at 7:00 P.M. on the first Wednesday in December following the election. The location of the inaugural Meeting will be Council Chambers of the Corporation of the Township of South Stormont.

7.2.1 Inaugural Agenda: The Inaugural Agenda shall include:

- i) Opening
- ii) Invocation
- iii) Declaration of Office
- iv) Presentations
- v) Comments by Council
- vi) Mayor's Inaugural Address
- vii) Adjournment

7.2.2 Business at Inauguration

No other business shall take place other than the Declaration of Office at the Inaugural Meeting of Council.

7.2.3 Notice to Council

Each member of Council shall provide an email address or fax number for the purpose of disseminating notice for the purposes of the Procedural By-law.

7.2.4 Notice of Meetings

Notice of Council Meetings and Committee Meetings shall be posted on the Township's website. If a change in schedule occurs, notice shall be given by publication in a local newspaper having a general circulation in the Township of South Stormont, on the Township's website, via Social Media and posted at the Town Hall. Council reserves the right to dispense with or alter the time, day or place of any Meeting by Resolution.

7.2.5 Curfew

No item of business other than the Ratification By-law shall be considered at a Meeting of Council after the hour of 10:00 P.M. local time, unless decided by a two thirds vote of the members present.

7.2.6 Recording Equipment

At Meetings of Council and Committees the use of cameras, electric lighting equipment, flash bulbs, recording equipment,

television cameras and any other device or a mechanical electronic of similar nature used for transcribing or recording proceedings by auditory or visual means by members of the public, including accredited and other representatives of any new media whatsoever may be permitted and shall be subject to the approval and/or discretion of Council.

7.3 Regular Meetings

7.3.1 Meeting Schedule – Council

Regular Council Meetings shall be held in accordance with the Meeting schedule. A proposed Meeting schedule will be presented by the Clerk to Council for approval each December for the following year.

7.3.2 Meeting Locations – Council

Regular Council Meetings shall be held in Council Chambers of the Township of South Stormont, in accordance with Council Meeting schedule.

7.3.3 Cancellation of Meetings

The CAO or Clerk, in consultation with the Mayor, has the authority to cancel any Regular Meeting if it is determined there is not sufficient business to be conducted, provided notification has been given at a prior Meeting or within forty-eight (48) hours (not including weekends, or holidays) of the Meeting.

7.3.4 Time of Meeting - Council

All Regular Meetings of Council shall be held on the second and fourth Wednesday of each month, unless otherwise determined by Council, and commence at 7:00 P.M.

7.3.5 Time of Meeting – Exception - Date

Notwithstanding Section 7.3.4, there will be only one Regular Meeting of Council during the months of February, July, August and December in accordance with the Meeting schedule.

7.3.6 Time of Meeting – Exception - Time

Notwithstanding Section 7.3.4, should a Public Meeting or Closed Meeting be required, the Meeting shall commence at an earlier time determined by the Clerk or CAO as deemed appropriate based on the Meeting subject(s) / agenda content.

7.3.7 Time of Meeting – Holiday

When the day for a Regular Meeting of Council is a public or civic holiday, Council shall, unless decided otherwise, meet at the same hour and place on the following day that is not a public or civic holiday.

7.3.8 Time of Meeting – Exception - Date

The CAO or Clerk, in consultation with the Mayor, has the authority, in the case of unforeseen circumstances, i.e. inclement weather, or any other emergency, to re-schedule a regularly scheduled Council Meeting to the designed hour on the following day that is not a public or civic holiday. Applicable public notice will be provided as soon as practicable.

7.3.9 Meetings to be Open to the Public

Meetings of Council and any Committee of Council shall be open to the public except as provided in the Act.

7.4 Special Meetings of Council

7.4.1 Call of Special Meetings of Council

In addition to regularly scheduled Meetings, the Mayor may at any time call a Special Meeting of Council by providing written direction to the Clerk stating the date, time and purpose for the Special Meeting. Forty-eight (48) hours (not including weekends, or holidays) of written public notice shall be given.

In addition, a majority of Council Members may, at any time, petition the Clerk to call a Special Meeting of Council by providing a written petition to the Clerk stating the date, time and purpose for the Special Meeting. Forty-eight (48) hours (not including weekends, or holidays) of written public notice shall be given.

7.4.2 Restriction of Business stated on Agenda

The only business to be dealt with at any Meeting of Council shall be that stated in the notice/agenda of the Meeting.

7.5 Emergency Meetings

7.5.1 Call of Emergency Meeting without 48 hours Notice

Notwithstanding this section the Mayor may, in the event of an emergency, call an emergency Meeting of Council without giving the forty-eight (48) hours written notice of the Meeting, provided that the Clerk has diligently attempted to advise all Members of Council and relevant staff immediately upon being advised of the Mayor's intention to hold an emergency Meeting.

7.5.2 Meeting Location – Council - Emergency

In case of an emergency, Council in its sole discretion may hold its Meetings and keep its public offices at any convenient location within or outside the municipality.

7.6 Closed Meeting

7.6.1 Following of Rules

The Procedural By-law shall apply during Closed Meetings.

7.6.2 Resolution – Enter Closed Meeting – Include General Nature of the Matter

Pursuant to s. 239 of the Act, the Resolution shall include a general description of all the subjects to be dealt with at the Closed Meeting.

7.6.3 Agenda

The CAO or Clerk shall prepare an agenda for presentation at the Meeting. The agenda shall be kept in a secure and confidential location under the control of the Clerk.

7.6.4 Identification of Specific Section

The Clerk shall have the Closed Meeting agenda prepared, identifying the subject and qualifying section of the Act, under which each matter is to be considered in the Closed Meeting.

The agenda will be distributed to all Members in attendance at the Meeting.

7.6.5 Record of Meeting

The Clerk shall record without note or comment all procedural matters, directions or instructions at a Closed Meeting. Minutes shall be circulated by the Clerk at the following Closed Meeting for adoption.

7.6.6 Closed to Whom

For the purpose of a Closed Meeting, the Meeting shall be closed to any person not appointed or elected to Council or a Committee. The CAO or Clerk may invite any person deemed appropriate for a specific item of business, to the closed portion of the Meeting.

7.6.7 Location of Meeting

Closed Meetings will be held at the Township of South Stormont in Council Chambers or the Boardroom, unless otherwise determined by Council.

7.6.8 Additional Items for Discussion

Discussion during a Closed Meeting shall be limited to that stated by Resolution. Additional items require public notice by Resolution in an open Meeting to hold a Closed Meeting to discuss the additional item(s).

7.6.9 Votes Taken in a Closed Meeting – Procedural Matters – Giving Direction/Instructions

A Meeting shall not be closed to the public during the taking of a vote except as provided in the Act. Votes may also be taken for procedural matters, giving directions or instructions to staff or agents or others.

7.6.10 Collection of Closed Meeting Documents

All documents handed out during a Closed Meeting shall be initialed, dated and returned to the CAO or Clerk at the end of the Closed Meeting.

7.6.11 Calculations and Note Taking

Members and staff may do basic calculations and note taking on paper during the course of a Closed Meeting, however, any such calculations or notes shall be collected by the CAO or Clerk and destroyed following the adjournment of the Meeting.

7.6.12 Confidentiality of Information

Council and / or Committee Members, staff and invited guests shall keep confidential any information:

- i) Disclosed or discussed at a Meeting that was closed to the public. The obligation to keep information confidential applies even if the Member ceases to be a Member.
- ii) Received in confidence verbally in preparation of the Closed Meeting.

7.6.13 No Comment

Members and staff shall respond to any questions regarding an item from a Closed Meeting with a reply of “no comment,” or words to that effect.

7.6.14 Securing Minutes

All reasonable efforts shall be made to ensure that Minutes are kept in a secure and confidential location under the control of the Clerk. These Minutes shall only be open to those in attendance at the Meeting, to others approved by Council, or as legislated.

7.6.15 Return to Open Meeting

Once the Closed Meeting has ended, the Members shall return to the open Meeting and the Clerk shall record the time in the Minutes.

7.7 General Rules of Meeting

7.7.1 Rules of Procedure

Shall be as provided for in this By-law and where not provided, as near as may be to that followed under the current revised version of Robert's Rules of Order.

7.7.2 Attendance

Every Member of Council shall attend all required Meetings. The CAO, Clerk, and Directors shall attend all Council Meetings. Municipal staff shall attend a Meeting of Council when directed by the CAO.

7.7.3 Dress Code

All Members of Council shall wear proper business attire during regular scheduled Council Meetings.

7.7.4 Members of Council – Municipal Staff

No Member shall speak disrespectfully of, nor shall they use offensive language against any Member of Council, Committee(s) of Council or municipal staff or any member of the public in attendance at a Meeting.

7.7.5 Speaking – Subject in Debate Only

No Member shall speak on any subject other than the subject in debate.

7.7.6 Criticize a Decision

No Member shall criticize any decision of Council except for the purpose of moving that the question be reconsidered.

7.7.7 Restrict Use of Mobile Device

Members of Council are restricted from using their cellular phones or other communication devices to engage in communications with third parties during the Meetings of Council.

7.7.8 Vacating Seat During Meeting

A Member shall not leave his/her seat or the Meeting at any time without advising the Presiding Officer. Such absence, including the length of time absent, shall be recorded.

8.0 Agenda

8.1 Agenda

The business of each Meeting will be considered in the order set forth on the agenda.

8.2 Staff Reports

All staff reports will be delivered to the Clerk five (5) days preceding the Regular Meeting (not including weekends or holidays), to ensure inclusion in the agenda and timely publication of the agenda.

8.3 Council

The Clerk shall prepare, for the use of the Members at Meetings of Council, an agenda that will state the order in which the business of Council shall be conducted.

8.4 Council Meetings

8.4.1 Regular Scheduled Meetings

The Clerk shall deliver an agenda, including all associated reports and notice of a Closed Meeting, if required, for each Meeting five (5) days preceding the date of the Council Meeting. The agenda cover sheet shall be posted to the Township website for access by the public. The agenda with all associated reports will be provided to the public and media two days prior to the Meeting, upon approval of the agenda by Council.

8.4.2 Special Meetings

The Clerk shall circulate an agenda, including all associated reports and notice of a Closed Meeting, for each Meeting to Council Members and staff forty-eight (48) hours (not including weekends, or holidays) in advance of the Meeting. The agenda shall be posted to the Township website for access by the media and the public.

8.5 Copy of Agenda

Any person may be provided, upon request to the CAO or Clerk, with a copy of the agenda, within the time frames as noted in Section 8.4.1 and 8.4.2 above. Pursuant to the Township Fees and Charges By-law, fees may apply.

8.6 Further Information Required – Postponement

Where further information or reports are necessary for Council to properly review an item of business, the Clerk or CAO may postpone the placement of an item to a future agenda in order to arrange for the provision of the necessary information.

8.7 Clerk Authorized to Determine

The Clerk shall be authorized to determine the appropriate Meeting at which items of business shall be considered, in accordance with this By-law.

9.0 Order of Business – Council

9.1 Regular Scheduled Meetings

The order of business on the agenda for regular scheduled Meetings of Council shall be as follows:

1. Public Meeting, if required (based on items deemed necessary by the CAO or Clerk, i.e. Planning applications)

2. Call Meeting to Order / Opening Remarks
3. The Lord's Prayer
4. Confirmation of Agenda
5. Disclosure of Pecuniary Interest
6. Adoption of Minutes
7. Delegations
8. Consent Agenda (includes Monthly Activities Summaries and Correspondence)
9. Key Information Reports
10. Action Requests
11. Committee Reports
12. By-laws
13. Motions and Notices of Motions
14. Miscellaneous Business
15. Unfinished Business Summary
16. Ratification By-law
17. Closed Meeting, if required
18. Adjournment by Resolution

9.2 Changes to Order of Business

The Presiding Officer, with the approval of its Members by majority vote, may vary the order of business before the Members.

10.0 Closed Meeting

The Closed Meeting portion for Council will be held in accordance with s. 239 of the Act, in advance of the 7:00 P.M. and only as required.

11.0 Call Meeting to Order

11.1 Opening Remarks

The opening remarks of the Presiding Officer shall be at the sole discretion of the Presiding Officer and shall normally relate to items of interest.

12.0 Disclosure of Pecuniary Interest and General Nature Thereof

12.1 Member of Council

To determine possible Pecuniary Interest, the Member may consult with their personal solicitor, and must be in compliance with the *Municipal Conflict of Interest Act*.

13.0 Quorum – Call to Order

13.1 Quorum – Call to Order

If there is a Quorum after the time set for the start of the Meeting, the Presiding Officer will take the chair and call the Meeting to order.

13.2 No Quorum – Meeting Adjourned

In the event that a Quorum is not present within fifteen (15) Minutes after the designated start time of the Meeting, the Presiding Officer shall take the chair and call the Meeting to order, announce the absence of a Quorum, and immediately adjourn the Meeting. The Clerk shall record the names of the Members present and the Meeting shall stand adjourned.

13.3 Council Meeting – Presiding Officer Absent

In the case where a Quorum is present at a Council Meeting and the Mayor has not attended within fifteen (15) Minutes after the time appointed, the Deputy Mayor shall preside until the arrival of the Mayor and shall have all powers of the Presiding Officer for the purpose of chairing the Meeting.

13.4 Council Meeting – Deputy Mayor – Absent

Notwithstanding 13.3 above, in the absence of both the Mayor and Deputy Mayor, an Acting Presiding Officer shall be appointed by Resolution, from among the Members present and he/she shall preside until the arrival of the Mayor or Deputy Mayor and shall have all powers of the Presiding Officer for the purpose of chairing the Meeting.

13.5 Meeting Adjourned – Not Ended

If during the course of a Meeting a Quorum is lost, then the Meeting will stand adjourned, not ended, to reconvene at a time and place as called by the Presiding Officer.

14.0 Disclosure of Additional Items

14.1 Council- Introduction of New Item/Motion Not on Agenda – Disposition Letter

Items/motions permitted shall be considered under Miscellaneous Business in the Order of Business of Council, Section 9.1.

15.0 Minutes

15.1 Record of Meeting: The Minutes of a Meeting of Council shall record:

- i) The date, place and time of the Meeting;
- ii) The name of the Presiding Officer and the attendance of the Members present at the call of the Meeting;
- iii) Arrival and departure of Members after the call of the Meeting;
- iv) A Member who has declared a Pecuniary Interest on a matter or question and the nature thereof, as appropriate;
- v) All motions approved;
- vi) Other proceedings of Council without note or comment; and
- vii) Time of adjournment.

15.2 Approval of Minutes

The draft Minutes of a Regular Meeting, and any Special Meetings held, shall be presented for final approval no later than the next regular scheduled Meeting of Council.

15.3 Amendments to Minutes

If any Member disagrees with any item printed in the Minutes, that Member shall state their objection and the reason therefore. The Members shall determine the accuracy of the Minutes and the Clerk shall note in the Minutes of the present Meeting both the existing text, and changes requested, and make the necessary amendments to the Minutes being adopted. If amendments are required, the question put by the Presiding Officer shall be to adopt the Minutes of the applicable Meeting, held on the applicable date, as amended.

15.4 Clerk Authorized to Make Corrections

The Clerk shall be authorized to make minor corrections to the Minutes resulting from technical or typographical errors provided the intent of the Minutes are not changed prior to the Minutes being signed.

15.5 Signature for Authentication

The Presiding Officer and Clerk shall authenticate the Minutes with their signatures.

15.6 Adopted Minutes

15.6.1 Council – Adopted Minutes

The adopted Minutes of each Meeting of Council shall be posted to the Township's website as soon as practicable.

16.0 Presentations

16.1 Ceremonial Presentations/Awards – Council Meetings

Ceremonial presentations and/or awards shall be made at a Council Meeting and considered under Opening Remarks in the Order of Business of Council, Section 9.1. A presentation or award may be given by the Presiding Officer, Township staff, a representative from another government or government agency, or any person/organization invited by Council to make a presentation as may, from time to time, be considered appropriate.

17.0 Delegations

17.1 Delegation – First Come – First Served – Limit of Four

A maximum of four separate delegations shall be permitted at any Regular Meeting, unless otherwise approved by Council.

17.2 Delegation – Notice – Prior to Meeting

17.2.1 Meeting of Council

Persons wishing to address Council shall make a written application to the Clerk prior to 12 noon five (5) days preceding the Regular Meeting (not including weekends or holidays), or as otherwise provided for in the notice of the

Meeting. Such application shall contain the subject matter to be discussed, all information to be presented to Council, and the name, address and telephone number of a spokesperson chosen by the delegation to make the presentation.

17.3 Delegation – Limit of One Appearance – Exception – New Information

Delegations shall be limited to one appearance, unless providing additional information.

17.4 Delegation Refused – Chief Administrative Officer or Clerk

The CAO or Clerk is given the authority to refuse delegations under the following circumstances:

- i) The request is not submitted within the stated time limits;
- ii) The subject matter is deemed to be beyond the jurisdiction of Council;
- iii) The issue is specific to a matter properly held in a Closed Meeting, pursuant to Section 239 of the Municipal Act, 2001; and / or
- iv) Requests/issues where there is no perceived benefit for the Township of South Stormont.

17.5 Delegation – Not to Repeat

Delegations taking the same position on a matter shall be encouraged to select a spokesperson(s) to present their views collectively.

17.6 Delegation – Limited to Subject Matter

Delegations shall be limited to the subject matter indicated in their application for a delegation.

17.7 Delegation – After the Agenda is published

Applications for delegations shall not be received after the deadline established in s. 17.2.1. Notwithstanding, if a matter is listed on the agenda to which anyone is desirous of providing information to the Members, the person shall notify the Clerk prior to the Monday preceding the Meeting and shall provide a brief in writing to the Clerk at the time the request is made so that it may be circulated to the Members. In addition, the person shall provide a sufficient number of hard copy prints for distribution to the Members and affected municipal staff.

17.8 Restrictions on Delegations

Delegations shall not:

- i) Address Members directly without permission;
- ii) Interrupt any speaker or action of the Members, or any other person addressing the Members;
- iii) Display or have in their possession picket signs or placards in Council Chambers or Meeting room;
- iv) Speak disrespectfully of any person;
- v) Use offensive words;
- vi) Disobey a decision of the Presiding Officer; and
- vii) Enter into cross debate with other delegations, staff, Members or the Presiding Officer.

17.9 Delegation – Violation

If a Delegation is in breach of the rules, the Presiding Officer may request the termination of a presentation and / or restrict attendance at future Meetings.

17.10 Delegation – Time Limit – 15 Minutes

All Delegations shall be permitted a maximum of fifteen (15) Minutes to make the presentation.

17.11 Delegation – Addressing Members

Delegations shall state their name(s) and make their presentation to the Members.

17.12 Matter Brought Forward

In the event that the subject brought to the Members at a Meeting by a Delegation is also dealt with in any other item listed on the agenda, the Presiding Officer may call for a motion to amend the Order of Business so that the item may be brought forward for discussion at the same time as the consideration of the Delegation item.

17.13 Questions by Members

Upon completion of a presentation by a Delegation, any dialogue between Members and the delegate shall be limited to Members asking questions for clarification and obtaining additional, relevant information only. Questions from Members shall be addressed by the spokesperson to the best of their ability. Members shall not enter into debate with the Delegation respecting the presentation.

17.14 Delegation Information Referred to Subsequent Meeting

Council may defer any decision or action on information received from a Delegation to a subsequent Meeting of Council. A staff report may be requested.

18.0 Staff Reports – Action Requests

All reports presented to Council as part of the agenda will be in a written format, complete with draft motion, duly signed by the appropriate Director and approved by the CAO, or designate.

19.0 Consent Agenda

19.1 Consent Agenda - Request to Separate

Should a Member of Council wish to discuss any matter listed under the Consent Agenda, the Member shall ask immediately when the Presiding Officer calls "Any Amendments, Deletions or Corrections to the Order of Business / Agenda", at which time a Member of Council shall request that the item be separated and dealt with under its regular section. A Member of Council, if possible, shall notify the Clerk in advance of their wish to separate an item in detail from the Consent Agenda.

20.0 Key Information

20.1 Key information Reports

Key Information Reports may be provided to Council as information items or to facilitate further discussion/action at a subsequent Meeting.

21.0 Receiving Committee / Council Reports

21.1 Committee Report – Members of Council

All Members of Council shall have the opportunity to report on issue(s) currently under debate by the Committee(s) they are a Member of, or recent activities undertaken by that member of Council, i.e. conferences.

22.0 By-laws

22.1 By-laws – Number

The number of every By-law being presented to Council shall be provided on the agenda at which the By-law is being considered.

22.2 Introduction of By-law – Purpose Specified – One Reading (1st, 2nd, 3rd Inclusive)

Every By-law shall be introduced by written motion, and shall be considered to have been read a first, second and third time short. At the discretion of Council, a By-law may be read a first and second time, with third reading postponed until later in the Meeting, or subsequent Meeting of Council.

22.3 Clerk – Read By-law Title

The Clerk shall read the By-law title.

22.4 Amendment – Debate on Motion

Debate shall be limited to the subject matter of the By-law. Amendments shall be made by written motion.

22.5 Amended By-law Passed – Corrections by Clerk

After an amended By-law has been adopted by Council, the Clerk shall be responsible for its correctness.

22.6 By-law Passed – Deposited in Safe

Every By-law which has been passed by Council shall, immediately after being signed by the Head of Council and the Clerk and sealed with the seal of the Corporation, be deposited by the Clerk in a secure location and scanned electronically for deposit on the server.

22.7 Clerk Authorized to Make Corrections

The Clerk shall be authorized to make minor corrections to any By-law resulting from technical, formatting or typographical errors provided the intent of the By-law is not changed prior to the By-law being signed.

23.0 Motions and Notices of Motions

23.1 Notices of Motion

23.1.1 Notices of Motion – Introduction No Debate

Notices of Motion introduced at a Regular Meeting of Council shall not be debated and shall be recorded on the agenda for the next Regular Meeting of Council.

23.1.2 Notices of Motion – Mover in Attendance

A notice of motion shall not be considered or otherwise disposed of by Council unless the mover of the motion is in attendance at the Meeting.

23.1.3 Notices of Motion – Presentation

Notices of motion shall be delivered to the Clerk at least five (5) working days, preceding the date of the next Regular Meeting, in order to be included on the agenda, at which time the motion is to be introduced and a motion shall be printed in full in the agenda for that Regular Meeting and each succeeding Meeting until the motion is considered or otherwise disposed of.

23.2 Dispensing with Notice

Any motion may be introduced without notice if Council, without debate, dispenses with notice on the affirmative vote of at least a simple majority of Members present and voting.

23.3 Seconding a Motion

A motion must be formally seconded before the Presiding Officer can put the question or a motion be recorded in the Minutes.

23.4 Ultra Vires

A motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.

23.5 Amendment

A motion to amend:

- i) shall be presented in writing;
- ii) shall be dealt with by Council before a previous amendment of the main motion;
- iii) shall not be further amended (more than once), provided that further amendment may be made to the main motion;
- iv) shall be relevant to the main motion; and
- v) shall not be received proposing a direct negative to the main motion.

23.6 Motion to Adjourn

A motion to adjourn:

- i) shall always be in order except as provided by these rules;
- ii) when resolved in the negative, cannot be made again until after some intermediate proceedings shall have been completed by Council;
- iii) is not in order when a Member is speaking or during the verification of a vote.

23.7 Voting on Motions

23.7.1 Questions Stated

Immediately preceding the taking of the vote, the Presiding Officer may state the question in the form introduced, and shall do so if required by a Member. He/she shall state the question in the precise form in which it will be recorded in the Minutes.

23.7.2 No Interruption after Question

After a question is finally put by the Presiding Officer no Member shall speak to the question nor shall any other motion

be made until after the vote is taken and the result has been declared.

23.7.3 Unrecorded Vote

The manner of determining the decision of Council on a motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, standing or otherwise.

23.7.4 Vote by Teleconference

Notwithstanding 23.7.3 above, in the event of an emergency, as defined in the Township Emergency Response Plan, Council may proceed to vote on items of an urgent nature by teleconference.

23.7.5 Recorded Vote

When a Member requests a Recorded Vote, the Clerk shall request and record from each Member present, except a Member disqualified from voting under any Act, to announce their vote openly as follows: Councillor in alphabetical order, Deputy Mayor and then the Mayor. The names of those who voted for and against shall be noted in the Minutes. A request for a Recorded Vote can only be made immediately before or after the taking of the vote.

23.7.6 Member Does Not Vote

If any Member, when a question is put, does not vote, he/she shall be deemed as voting against the motion, except where he/she is prohibited from voting by statute, or is the Presiding Officer.

23.7.7 Member Disagrees with Announcement of Vote

If a Member disagrees with the announcement of the Presiding Officer that a question is carried or lost he/she may, but only immediately after the declaration by the Presiding Officer, appeal the declaration and request that a Recorded Vote be taken.

23.7.8 Conflict of Interest

Pursuant to the *Municipal Conflict of Interest Act*, a Member of Council who has a conflict of interest on a matter to be reviewed by Council shall disclose such interest at the beginning of the Meeting. Such disclosures of interest shall be made publicly in writing on the applicable form and shall be recorded in the Minutes by the Clerk.

23.7.9 Vote by Secret Ballot

No vote shall be taken by ballot or by any other method of secret voting, except as provided for in the Act.

24.0 Receiving Correspondence and Other Communication

24.1 Correspondence – Signed – Legible – Public

- i) All correspondence addressed to Members of Council shall be considered public information, except as prohibited by legislation; and
- ii) All correspondence addressed to Members of Council (letter, Resolution, or other communication) shall be

legible, signed by the author(s) and include a return address. Correspondence that does not include the above or that includes any illegible or defamatory allegations or derogatory remarks shall not be included as correspondence or responded to.

24.2 General information

General information addressed to Council shall be listed as Correspondence and subsequently circulated with a Correspondence Cover Sheet to Members of Council at the Council Meeting. Members shall indicate on the Correspondence Cover Page any item(s) they wish brought forward for consideration, and the Clerk shall include same on the next Committee of the Whole agenda for review.

24.3 Correspondence/Petition - Submission Prior to 12:00 p.m. (Noon)

Every petition, letter or other written communication shall be deposited with the Clerk not later than 12 noon five (5) days (not including weekends or holidays) before the date of the Council Meeting in order that it is included on the applicable agenda.

24.4 Correspondence – Late Submission – Consideration – Urgent Matter Only

A petition, letter or written communication that is received by the Clerk later than 12 noon three (3) days (not including weekends and holidays) prior to the regularly scheduled Council Meeting may be brought before Members of Council, if in the Clerk's opinion, the matter is urgent.

25.0 Miscellaneous Business – Council Meeting

25.1 Member – Notice – Council – To go Next Committee of the Whole Meeting

A notice of a new item being brought before Council shall not be debated and shall be referred to the next Committee of the Whole or Council Meeting for discussion and recommendation to Council.

25.2 Urgent – Immediate Action Required

New items of an urgent nature may be considered if, in the opinion of Council, it requires the immediate attention of Council. A staff report may be required.

26.0 Unfinished Business

The items set out in the agenda which have not been disposed of shall be included in a subsequent agenda under Unfinished Business.

27.0 Ratification By-law/By-law to Confirm Proceeding of Council

A By-law to confirm the proceedings and reports of Council at its Meetings held in the previous month shall be presented at each Regular Meeting. Such By-law shall confirm any motion, Resolution and other actions passed or taken by Council at the Meetings indicated therein.

28.0 Adjournment

28.1 Adjournment – Motion – At Request of Presiding Officer

A standard motion to adjourn shall be in order at the request of the Presiding Officer.

28.2 Council

All Regular Council Meetings shall stand adjourned when Council has completed all business as listed on the Agenda. Unfinished business shall be postponed to the next Regular Meeting of Council.

29.0 Reconsideration

29.1 A Resolution, By-law or any question or matter that has previously been adopted by Council may be reconsidered by Council subject to the following:

- i) a motion for reconsideration shall not be in order if Council is made aware that the question or By-law has been implemented resulting in legally binding commitments as of the date the motion to reconsider is moved unless otherwise deemed permissible;
- ii) such motion must be moved by a Member who voted against the original motion;
- iii) such motion must be supported by two-thirds (2/3) majority vote of the Members of Council before the matter to be reconsidered can be debated; and
- iv) a vote to reconsider shall not be considered more than once in any twelve (12) month period.

29.2 Debate on Question

Debate on the question must be confined to such matters as new information which has come forward, an error in documentation presented or incorrect statements made during the original debate.

29.3 Motion for Reconsideration

A Motion for Reconsideration shall be considered lost unless the motion receives a majority of votes by Council Members present and therefore no more than one (1) motion for reconsideration of any question or By-law shall be permitted.

29.4 Motion for Reconsideration - Carried

If a motion for reconsideration has been carried in the affirmative, no action shall be taken to carry into effect the question or By-law until that question or By-law has been presented to Council for reconsideration.

29.4.1 Reconsideration Next Council Meeting

If a Motion for Reconsideration is carried in the affirmative, it shall not be in order to reconsider the subject matter of the question or By-law until the next Meeting of Council. The question or By-law being reconsidered shall be stated in the exact manner in which it was first presented and shall be subject to the rules of debate and amendment outlined herein.

29.4.2 Reconsideration Same Council Meeting

No motion passed or debated at a Meeting of Council shall be reconsidered at the same Meeting without consent of two-thirds (2/3) of its Members.

29.4.3 Decision of Previous Council

These rules do not apply when a motion pertains to a decision of a previous Council.

30.0 Rules of Debate

30.1 Speaking in Turn

Every Member, prior to speaking to any question or motion, shall raise his/her hand and address the Presiding Officer. When two (2) or more Members raise their hands, the Presiding Officer shall designate the Member having the floor. No Member shall speak more than five (5) minutes on the topic.

30.2 Voting

Every Member present at a Meeting of Council, when a question is put, shall vote thereon unless prohibited by statute. When the Presiding Officer calls for the vote on a question, each Member shall occupy his/her seat and shall remain in his/her place until the result of the vote has been declared by the Presiding Officer, and during such time no Member shall walk across the room to speak to any other Member or make any noise or disturbance.

30.3 Interrupting the Speaker

When a Member is speaking no other Member shall pass between him/her and the Presiding Officer or interrupt him/her except to raise a point of order.

30.4 Restating the Motion

Any Member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member while speaking.

30.5 Introducing Matters and Motions without Written Notice and Leave

The following matters and motions may be introduced orally without written notice:

- i) a point of order or personal privilege;
- ii) to lay the matter or motion on the table;
- iii) to postpone indefinitely or to a certain day; or
- iv) to move the previous question (immediate vote on the main motion).

30.6 Introducing Written Motions without Notice and Leave

The following motions may be introduced without notice and without leave, but such motions shall be in writing and signed:

- i) to refer;
- ii) to adjourn,
- iii) to amend; or
- iv) to suspend the Rules of Procedure.

30.7 Decision by Presiding Officer

In all unprovided cases in the proceedings of Council, the matter shall be decided by the Presiding Officer, subject to an appeal to Council upon a point of order.

31.0 Points of Order and Privilege

31.1 Preserving Order

The Presiding Officer shall preserve order and decide questions of order.

31.2 Participate in Debate

The Presiding Officer may leave his/her chair to participate in the debate. In this instance Members of Council shall appoint a Member to act temporarily as the Presiding Officer in his/her place.

31.3 Final Decision by Council

Council, if appealed to, shall decide the question without debate and its decision shall be final.

32.0 Conduct of Members of Council

32.1 No Member shall

No Member shall speak disrespectfully of the Reigning Sovereign, or of any of the Royal Family, or of the Governor-General, the Lieutenant Governor of any province, or any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.

32.2 No Member shall:

- i) use offensive words or unparliamentary language in or against Council or any Member;
- ii) speak on any subject other than the subject in debate;
- iii) criticize any decision of Council except for the purpose of moving that the question be reconsidered; or
- iv) disobey the rules of Council or a decision of the Presiding Officer or of Council on questions of order or practice or upon the interpretation of the rules of Council.

32.3 Members shall:

- i) come prepared to every Meeting by having read all the material supplied, including agendas and staff reports to facilitate discussion and the determination of action at the Meeting. Whenever possible, the Members shall make inquiries of staff regarding materials supplied in advance of the Meeting; and
- ii) not have the authority to direct or interfere with the performance of any work by administration. All inquiries shall be directed through the office of the CAO.

32.4 Disobedience Persists

In case a Member persists in any such disobedience after having been called to order by the Presiding Officer, the Presiding Officer may forthwith put the question, no amendment, adjournment or debate being allowed, "that such Member be ordered to leave his/her seat for the duration of the Meeting of Council" but if the Member apologizes he/she may, by vote of Council, be permitted to retake his/her seat.

32.5 Approach Council Area

No person shall approach the Council area during a Meeting of Council without permission of the Presiding Officer, or Council upon reference.

32.6 Disturbance While Putting the Question

When the Presiding Officer is putting a question to vote, no Member shall leave or make a disturbance.

33.0 Suspension of Rules

33.1 Suspension of Rules

In rare instances, Council may suspend the rules of the Procedure By-law with a two-thirds vote of Council. In no circumstances may Council suspend any statutory procedures from the Act or any applicable legislation.

34.0 Amendment of By-law

34.1 Repeal

No repeal of this By-law shall be considered at any Meeting of Council unless notice of intention of the proposed repeal has been given.

34.2 Amendments

From time to time, amendments to this By-law, or any part thereof, may be considered at any Meeting of Council provided notice is given at a prior Meeting of Council.

35.0 Severability

35.1 Provisions – Severable

The provisions of this By-law are severable. If any provisions, section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words.

35.2 Conflict

Where the terms of any By-law passed prior to this By-law conflict with this By-law, the terms of this By-law shall prevail.

36.0 Repeal

By-law Nos. 2008-03 and 2010-09 are hereby repealed in their entirety, further, any by-law inconsistent with this by-law is hereby repealed.

37.0 Effective Date

This By-law shall become effective upon the date of enactment.

READ and passed in open Council, signed and sealed this 13th day of May, 2015.

Original Signed

Mayor

Original Signed

Clerk