

By-law 38-2015

**THE CORPORATION OF THE TOWNSHIP OF**

**NORTH STORMONT**

**BY-LAW NO. 38-2015**

**A By-law to Govern the Proceedings of the Council of The Corporation of  
the Township of North Stormont**

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**THE CORPORATION OF THE TOWNSHIP OF NORTH STORMONT  
BY-LAW NO. 2015-015**

**A By-law to Govern the Proceedings of the Council of The Corporation  
of the Township of North Stormont.**

**WHEREAS** The Ontario Municipal Act, 2001, authorizes the Council of every municipality to pass by-laws for governing the proceedings of its Council, the conduct of its members and the calling of meetings; and

**WHEREAS** Section 238 (2) further indicates that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings; and

**WHEREAS** The Council of the Corporation of the Township of North Stormont considers it advisable to pass such a by-law; and

**WHEREAS** The Council shall also follow the regulations as set out within the *Municipal Conflict of Interest Act*; and the parliamentary authority of Roberts Rules of Order, latest edition now, therefore, be it

**RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE  
TOWNSHIP OF NORTH STORMONT ENACT AS FOLLOWS:**

**ARTICLE I**

**SHORT TITLE**

**Citation**

This Chapter may be referred to as the Procedural By-Law

**ARTICLE II**

**INTERPRETATION**

**2.1 Abstention – defined**

“Abstention” means a refusal to vote either for or against a proposal.

**2.2 Act - defined**

Act means the Municipal Act, 2001, as amended from time to time.

**2.3 Deputy Mayor - defined**

Deputy Mayor shall mean one member of Council elected to serve as Deputy Mayors.

**2.4 Ad Hoc Committee - defined**

Ad Hoc Committee means a committee appointed by Council from time to time, to act on a temporary or singular issue and shall be discontinued by Council when their recommendations upon the specified initiative or matter have been provided, and dealt with by Members of Council and further recommendations are no longer required.

**2.5 Advisory Committee - defined**

Advisory Committee means a committee appointed by Council to act in an advisory capacity to Council on operational and strategic issues during the full term of Council.

**2.6 Chair - defined**

Chair or Head of Council means the Mayor or Acting Mayor or Chairperson at the meeting.

**2.7 Chief Administrative Officer - defined**

Chief Administrative Officer means the Chief Administrative Officer (CAO) of The Corporation of the Township of North Stormont, designated by By-law.

**2.8 Clerk - defined**

Clerk means the Clerk of The Corporation of the Township of North Stormont, appointed by By-law.

**2.9 Committee - defined**

Committee means— all Committees and Local Boards established by resolution of Council.

**2.10 Committee Chair or Chair - defined**

Committee Chair or Chair means the Chair of a Standing Advisory or Special Committee appointed by Council.

**2.11 Committee of the Whole - defined**

Committee of the Whole means all the Members present sitting in Committee of the Whole of Council.

**2.12 Council - defined**

Council means the Council of The Corporation of the Township of North Stormont, which was elected by the registered voters or who has been appointed by virtue of a vacancy.

**2.13 Debate- defined**

Debate means a discussion to put forth reasons for or against, in which a difference of opinion is expressed.

**2.14 In Closed Session "Executive Committee Meeting" - defined**

Closed Session or Executive Committee Meeting means a meeting, or portion of a meeting, closed to the general public.

**2.15 Local Board - defined**

Local Board means a municipal service board, transportation commission, board of health, planning board, or any other board commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board, a conservation authority, a public library board and a police services board.

**2.16 Meeting - defined**

Meeting means any regular, special, committee, or other meeting when a majority of the members of Council are present.

**2.17 Member - defined**

Member means a Member of the Council of The Corporation of the Township of North Stormont.

**2.18 Municipal Corporation - defined**

Municipal Corporation means The Corporation of the Township of North Stormont.

**2.19 Point of Information - defined**

Point of Information means a request through the Chair or another Member, for information relevant to the business at hand, but not related to parliamentary procedure.

**2.20 Point of Order - defined**

Point of Order means a matter that when a member thinks that the rules of the meeting are being violated, a member can make a Point of Order (or "raise a question of order," as it is sometimes expressed), thereby calling upon the Chair for a ruling and enforcement of the regular rules.

**2.21 Question of Privilege - defined**

Question of Privilege means a matter that a Member considers to question their integrity or the integrity of Council, which relates to the rights and privileges of the Assembly or any of its Members to be brought up for possible immediate consideration because of its urgency.

**2.22 Position or opinion - defined**

Position or opinion means something believed or accepted as true by a person.

**2.23 Presiding Member - defined**

Presiding Member means the Mayor or Acting Mayor or Chair of the meeting.

**2.24 Recorded Vote - defined**

Recorded vote means the making of a written record of the name and the vote of each member who votes on a question.

**2.25 Rules of Procedure - defined**

Rules of Procedure means the Special rules and regulations of the Council of the Township of North Stormont, as provided for within this By-law.

**2.26 Special Committee - defined**

Special Committee means special committees of the Council of the Township of North Stormont, where one or more Members of the Council participate, but not all Members of the Council, as well as the appointment of non-members and who assemble to discuss a particular subject matter of interest to the Council.

**2.27 Standing Committee - defined**

Standing Committee means the standing committees of the Council of the Township of North Stormont, which all Members of Council are forming part of.

**2.28 Time - defined**

Time in this By-law shall be governed by the Time Act.

**2.29 Two-Thirds Vote**

Two-thirds vote is defined as 66% of the majority (66% of 5 Council members = 3.3 persons rounded up to the greater meaning 4 members of Council).

**ARTICLE III**

**GENERAL PROVISION**

**3.1 Suspension - Rules Regulations - applicable - two-thirds vote**

The rules and regulations contained in this By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business of all Council meetings and in Committees, provided that the rules and regulations contained herein may be suspended by a two-thirds (2/3) vote of Members of the Council in any case for which provision is not made herein and shall not be debatable or amendable.

**3.2 Calculation - two-thirds vote**

The calculation of two-thirds vote shall be rounded upwards to the next highest decimal.

**3.3 Parliamentary Authority**

The governing legislation, the Procedural By-law, or any standing or special rules of order adopted by The Corporation of the Township of North Stormont shall govern the procedures of Council. Where inconsistencies exist, the current edition of *Roberts Rules of Order* will be the parliamentary authority which governs the proceedings of The Corporation of the Township of North Stormont.

**3.4 Requests from Members of Council**

All requests from any member of Council concerning any administrative matter of the Corporation of the Township of North Stormont shall be directed to the Chief Administrative Officer for proper action.

**ARTICLE IV**

**MEETINGS**

**4.1 Inaugural - time - place - held**

The Inaugural Meeting of the Council, following a regular election, shall be considered the Council's First meeting and shall be held on the First Tuesday in December, of an election year, beginning at 6:30 p.m., in accordance to the *Municipal Elections Act Sec.16*.

**4.1.1 Inaugural Agenda**

The Mayor Elect and the Clerk shall be responsible for the content of the Agenda of the Inaugural Meeting and the arrangements for the Inaugural proceedings.

**4.2 Regular - schedule - designated - time**

The next and each succeeding regular meeting shall be held on the second and fourth Tuesdays of each month, commencing at 6:30 p.m. At such place within the Township of North Stormont designated for such purpose by the Council and shall be held in accordance with the schedule of meetings of Council and the Committees of Council prepared by the Clerk.

**4.2.1 Alteration of the date of a Council meeting**

Council may alter the date and/or time of a Council meeting provided that a notice of 48 hours (calculated on working days) is posted on the municipal Website.



#### **4.3 Other - on holidays - by resolution**

All regular meetings shall be held on Tuesdays at the time prescribed by resolution of the Council or unless such a day is identified as a public or civic holiday, in which case the Council shall meet at the same hour on the next following day which is not a public or civic holiday, unless otherwise provided by resolution of the Council.

#### **4.4 Exception to meetings**

Notwithstanding the provisions of Section 4.2 and 4.3 of this By-law, there shall be: one meeting of Council in the month of February, which shall be held on the second Tuesday of the month; one meeting of Council in the month of July, which shall be held on the second Tuesday of the month; one meeting of Council in the month of August, which shall be held on the fourth Tuesday of the month and one meeting of Council in the month of December, which shall be held on the second Tuesday of the month. Should the meeting fall on a public or civic holiday, the Council shall meet at the same hour on the next following day, which is not a public or civic holiday.

Furthermore, in an election year, no meetings shall be held after nomination day until the Inaugural ceremony for the new Council members.

#### **4.5 Special Meetings**

##### **4.5.1 Special Meetings - Mayor**

In addition to Public Meetings, the Mayor may at any time summon a Special Meeting of Council by giving direction to the Clerk stating the date, time and purpose of the Special Meeting.

##### **4.5.2 Special meeting - Members of Council**

Upon receipt of the petition of the majority of the Members, the Clerk shall summon a Special Meeting for the purpose and at the date and time mentioned in the petition.

##### **4.5.3 Notice - by Clerk**

The Clerk shall give all Members notice of a Special Meeting of Council at least twenty-four (24) hours before the time appointed for such meeting.

##### **4.5.4 Delivery - Notice**

Notice may be given by delivering a notice personally to a Member by electronic mail to such residence or place of business, or by telephone.

##### **4.5.5 Nature of Business - Notice**

The written or verbal notice shall indicate the nature of the business to be considered, date, time and place of the Special Meeting.

**4.5.6 No other business**

No business other than that indicated in the written or verbal notice shall be considered at the Special Meeting.

**4.5.7 Special meeting - place**

All Special Meetings of Council shall be held at the location of the last regular meeting of Council, unless an alternative location is specified in the notice of meeting.

**4.6 Emergency Meeting - notice not required**

Notwithstanding any other provision of this By-law, an Emergency Meeting may be held, without written notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk or her/his designate to notify the Members about the Meeting as soon as possible and in the most expedient manner available.

**4.7 Location - Council Meeting**

All Council meetings shall be held at such place within the Township of North Stormont designated. In the event of an Emergency declared by the Head of Council or any other Lead Agency as identified with the *Emergency Management Act* within the confines of a declared emergency, the Council shall be asked to meet at an identified location accessible by Members of Council.

**4.8 Open - to public - Council - Committees - exception**

Meetings of the Council and its standing committees shall be open to the public except as provided in Sections 4.10 and 4.11; and as provided for under section 239(2) and (3) and (3.1) of the *Municipal Act* .

**4.8.1 Meetings Open to Public - Record**

All Council Meetings open to the public shall be recorded without note or comment on all resolutions, decisions and other proceedings and shall also be electronically recorded and kept for archival purposes.

**4.9 Closed - to public - Closed Session "Executive Committee" Meeting subject matters**

A meeting or part of a meeting of the Council or its standing committees 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 for municipal or local board purposes
- d) Labour relations or employee negotiations

- e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board
- f) The receiving of advice that is subject to solicitor, client privilege, including communications necessary for this purpose.
- g) A matter in respect of which a Council, local board, committee or other body has authorized a meeting to be closed under another Act.
- h) A matter relating to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if Council is designated as head of the institution for the purposes of the Act.
- i) Educational or training session
- j) 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:
- k) The meeting is held for the purpose of educating or training the members; and
- l) 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.

#### **4.10 Closed Session - to public - resolution**

Prior to holding a meeting which is closed to the public, Council or the Committee shall pass a resolution stating the purpose of the holding of the closed meeting and including the general nature of the matter to be considered at the closed meeting.

#### **4.11 Closed Session - closed to public - Time**

A Closed Session, shall commence at a time prescribed by the Township Clerk and/or Chief Administrative Officer upon consultation with the Mayor and the meetings shall be adjourned no later than 10:50 p.m.

#### **4.12 Closed Session "Executive Committee" Meetings records**

All Closed Sessions to the public shall be recorded without note or comment on all resolutions, decisions and other proceedings.

#### **4.13 Confidential Matters**

Members are to ensure that confidential matters disclosed to them during closed Executive meetings are kept confidential. Any member, who contravenes the confidentiality clause, may be subject, by majority vote of the Council, to penalties in accordance to section 7.9.2.

#### **4.14 Orientation Meeting**

An Orientation meeting of the Council, shall be considered as an information meeting to newly elected Members of councils in order to provide Members with the general process of what an elected Member could expect such as the Inaugural meeting process, how many committees they may be sitting on as Council representatives and how that translates into meetings, process of a

Council meeting, protocol, dress codes, payroll and overview of the budget process etc...

#### **4.15 Enquiries and Answers**

- a) Any special enquiry made by a member at a meeting of the Council must be submitted in writing, signed by the member, and referred to the Chief Administrative Officer for response.
- b) A response to such enquiry shall be provided in writing in accordance with the procedures under the Municipal Freedom of Information and Protection of Privacy Act, and distributed all members of Council.
- c) Should the request involve extraordinary staff research time and production costs, the Council shall be advised.

#### **4.16 Recording Equipment**

At the meetings of Council and Committees, the use of any device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory means may be permitted and may be subject to the approval and/or direction of the Mayor or President Officer unless otherwise decided by the Council.

#### **4.17 Communication devices**

- a) The use of cellular phones, audible pagers or any other similar communication device is not permitted at Council or Committee meetings.
- b) Despite Subsection 4.17.1, the use of any communication device is permitted to the Municipality emergency personnel on duty.

### **ARTICLE V**

#### **ROLES**

##### **5.1 Council**

It is the role of Council:

- a) to represent the public and to consider the well-being and interest of the municipality;
- b) to develop and evaluate the policies and programs of the municipality;
- c) to determine which services the municipality provides;
- d) to ensure that administrative practices and procedures are in place to implement the decisions of Council;
- e) to maintain the financial integrity of the municipality;
- f) to carry out the duties of Council under this or any other Act;

- g) to direct staff, by majority vote, to perform such duties as is necessary to the efficient management of the affairs of the community;
- h) to direct staff, by majority vote, to research such matters as the Council deems necessary.

**5.1.1 Individual Authority - not provided**

No individual Council Member may direct any member of the staff to perform such duties that have not been authorized by resolution of the Council or by the Chief Administrative Officer.

**5.1.2 Established Policies - Members - respect**

Members of Council shall respect and adhere to the Policies set by the Council and under no circumstances take it upon them individually to circumvent established Policies.

**5.1.3 Council - liaison - with Chief Administrative Officer**

Council Members will liaise with the Chief Administrative Officer.

**5.1.4 Information - by Staff - Members of Council**

Council members may request information from members of staff who have been assigned the responsibility of providing information, such as meeting times, copies of documents, information on standard operating procedures.

**5.1.5 Questions - operational concerns - complaints**

Questions or issues surrounding operational concerns or complaints, excluding basic issues covered in section 5.1.4 shall be directed to the Chief Administrative Officer, who will then direct the questions or issues to the appropriate Head of Department.

**5.1.6 Justification of absence**

Notice of regrets from members unable to attend a Council meeting shall be made directly to the Clerk's Office.

**5.2 Head of Council**

I *It is the role of the Head of Council:*

- a) To act as Chief Executive Officer of the municipality;
- b) To preside over Council meetings;
- c) To provide leadership to the Council;
- d) To represent the municipality at official functions; and
- e) To carry out the duties of the Head of Council under this or any other Act;

II *Head of Council as Chief Executive Officer*

- a) To uphold and promote the purposes of the municipality;
- b) To promote public involvement in the municipality's activities;

- c) To act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally;
- d) To participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents;

*III Under the Rules of Procedure, it also shall be the duty of the Chair;*

- a) To open the meeting of Council by taking the Chair and calling the members to order;
- b) To receive and submit, in the proper manner, all motions presented by the members;
- c) To put vote all questions, which are duly moved and seconded, and to announce the result;
- d) To decline to put to vote, motions which infringe upon the Rules of Procedure or which are beyond the jurisdiction of Council;
- e) To restrain the members, when engaged in debate, within the Rules of Procedure;
- f) To enforce on all occasions, the observance of order and decorum by the members and any other persons present in the Chamber;
- g) To call by name, any member persisting in breach of the Rules of Procedure and to order him/her to vacate the Chamber in which the meeting is being held;
- h) To authenticate by his/her signature, when necessary, all by-laws, resolutions and minutes of Council;
- i) To inform the Council on any point of order as seems necessary;
- j) To represent and support the Council's decisions;
- k) To perform other duties when to do so by a resolution of Council;
- l) If he/she considers it necessary because of grave disorder, to adjourn the sitting without the question being put, or suspend the sitting for a time to be specified by him/her;
- m) To ensure that no person except a member, officer of employee of the corporation is permitted to enter upon the floor of the Chamber during the sittings of the Council without permission of the Chair or the Council.

**5.3 Chief Administrative Officer**

It is the role of the Chief Administrative Officer:

To exercise general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality and the staff placed under his supervision; and to perform such other duties as assigned by the Municipality.

#### **5.4 Clerk**

It is the role of the Clerk:

- a) To record, without note or comment, all resolutions, decisions and other proceedings of the Council;
- b) If required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- c) To keep the originals or copies of all by-laws and of all minutes, of the proceedings of the Council;
- d) To perform other duties required under this Act or under any other Act; and
- e) To perform such other duties as are assigned by the Municipality.

#### **5.5 Administration - Officers, Employees**

- a) It is the role of the officers and employees of the municipality:  
To implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- b) To undertake research and provide advice to Council on the policies and programs of the municipality; and
- c) To carry out other duties required under this or any other Act and other duties assigned by Council.

### **ARTICLE VI**

#### **DUTIES**

##### **6.1 Council**

###### **6.1.1 Preparation of Members to Council Meeting**

Members of Council shall 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 Member(s) shall make inquiries to the Chief Administrative Officer regarding material supplied in advance of the meeting.

###### **6.1.2 Requests for substantive reports**

All requests for substantive reports shall be by Council resolution which shall identify the appropriate Department and objectives of the report.

###### **6.1.3 Interference - direct**

No Member(s) shall have the authority to direct or interfere with the performance of any work by Administration for the Township of North Stormont. All inquiries shall be directed through the Office of the Chief Administrative Officer

## **6.2 Mayor & Committee Chair**

### **6.2.1 Open Meeting - call to order**

The Mayor or Committee Chair shall preside over the conduct of Meetings, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the Meeting, subject to an appeal to the Council or Committee, as the case may be.

### **6.2.2 Recognize speakers**

The Mayor or Committee Chair shall recognize any Member of Council or Committee (as the case may be) who wishes to speak and determines the order of the speakers.

### **6.2.3 Motions - received - submitted - results announced**

The Mayor or Committee Chair shall receive and submit in the proper manner, all motions presented by the Members and to put to vote all questions, which are duly moved, and to announce the result.

### **6.2.4 Mayor may speak or vote**

The Mayor or Committee Chair may speak and/or vote on any question, but if they wish to make a motion they shall first leave the Chair by designating the Acting Mayor, and if the Acting Mayor is absent, by designating another Member to act in their stead until they resume the Chair.

### **6.2.5 Debate - enforce rules - restrain members**

It shall be the duty of the Chair to restrain the Members, within the rules of procedure when engaged in debate.

### **6.2.6 Decorum - order - enforced**

It shall be the duty of the Chair to enforce on all occasions the observance of order and decorum among the Members.

### **6.2.7 By-laws - resolutions - minutes - authentication**

It shall be the duty of the Chair to authenticate, by his signature when necessary, all by-laws, resolutions and minutes of the Council.

### **6.2.8 Point of Order - inform members**

It shall be the duty of the Chair to inform the Members on any point of order.

### **6.2.9 Disorder - adjourn - suspend - recess - meeting**

It shall be the duty of the Chair to adjourn the meeting without the question being put, or to suspend or recess the sitting for a time to be named if considered necessary because of grave disorder arising in the meeting.



### **6.3 Deputy Mayor**

The Deputy Mayor shall assist the Mayor in carrying out his/her powers and duties and/or 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.

## **Article VII**

### **CONDUCT DURING MEETINGS**

#### **7.1 Sovereign - Royal Family - to be respected**

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

#### **7.2 Members of Council - Municipal Staff**

No Member shall speak disrespectfully nor shall they use offensive words in or against Members of the Council or any member thereof including Municipal Employees.

#### **7.3 Speaking - subject in debate only**

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

#### **7.4 Criticize - decision - exception - reconsideration**

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

#### **7.5 Breach - persistent - seat vacated - unless apology**

Members shall refrain from harmful conduct to the Corporation or its purposes.

No Member shall breach the rules of the Council, or a decision of the Chair or of the Council as a whole on questions of order or practice, or upon the interpretation of the rules of Council; and in the case where a Member persists in any such breach after having been called to order by the Chair, the Chair may order that such Member leave his seat for the duration of the meeting of the Council; but if the Member apologizes he shall be permitted to retake his seat. If the Member refuses to leave his seat and refuses to apologize, then the Chair will direct the Chief Administrative Officer or Clerk to have this Member escorted by the OPP.

## **7.6 Dress Code - Regular - televised - Council meetings and official functions**

All Members of Council shall wear proper business attire or Official uniform during regularly scheduled meetings, Special Council meetings and Executive (Closed Session) Council meetings and official functions.

## **7.7 Head Dressing**

During the conduct of any meeting of the Council, wearing of any hats, other than for religious purposes, are strictly forbidden by any member of the Council, Administration or member of the public.

## **7.8 Code of Ethics Confidentiality**

### **7.8.1 Executive (Closed Session) subjects - public interest**

Upon completion of a Closed Session Council meetings, the decisions of the Council with respect to any of the enumerated items listed in Section 4.10, and directions to the Administration in accordance therewith, shall then be reported publicly by Council to the extent permitted for the public interest.

### **7.8.2 Council response - Executive Committee Meetings (Closed Session) - enquiries**

The response of Council Members to enquiries about any matter dealt with during a Closed Session closed meeting, prior to it being reported publicly, shall be this matter is still under advisement, no comment, or words to that effect.

#### **a) Violation of regulation**

Any violation of process to this regulation will result in exclusion of the offending Council Member, requiring a two-thirds vote, from future closed meetings of Council and that Member shall no longer be provided with correspondence, materials or information proposed to be dealt with by Members of Council at a closed meeting.

#### **b) Exclusion - closed meetings**

The determination of whether or not a violation of process to the closed meeting provisions of this By-law and the length of the exclusion from closed meetings, if so determined, shall be made by Council at a closed meeting and the issues shall be considered by Council prior to the affected Member being excluded from any closed meeting by a two-thirds vote. The results of Councils deliberation shall be reported out publicly.

#### **c) Separate Resolution - per Member**

If the alleged violation of the process to the closed meeting provisions of this By-law by more than one Member is to be considered, a separate resolution of Council with respect to each affected Member is to be considered.

**d) Member not permitted to vote**

Notwithstanding Section 7.9.2 sub-section (c), the Member affected shall not be permitted to vote on a motion respecting his alleged violation of the closed meeting provision of the Procedural By-law, his exclusion from closed meetings, or the length of any such exclusion.

**e) Release of Information**

The release of any information about matters dealt with by Council at a closed meeting shall be made by the Mayor or his delegate only upon direction of the majority of Council.

**f) Member - expresses - personal position**

Notwithstanding Section 7.9.2 sub-section (b), unless Council by vote determines otherwise, upon the public disclosure of any report discussed Closed Session during a Council meeting, any individual Member may express their own personal position on the item, but shall not refer to or discuss the specific positions or opinions (written or verbal) of other Members or of staff.

**g) No release – public**

Agendas or any items thereon for consideration by Council at a Closed Session meeting shall not be released to the public.

**h) Obligation – confidentiality**

It is the obligation of each Member of Council to keep information confidential and this obligation continues even after the member ceases to be a Member of Council.

**ARTICLE VIII**

**RULES OF DEBATE**

**8.1 Chair - preserve order**

The Mayor/Chair shall preserve order and decorum and decide questions of order subject to an appeal to the Council/Committee by any Member.

**8.2 Address to Chair**

Any member, previous to speaking on any motion, shall indicate their desire to speak by the raised hand and shall not rise to speak until recognized by the Chair.

**8.3 Order - of speaking - determination**

The Chair shall recognize the Members in the order they indicate their desire to speak, be acknowledged by the Chair and shall address the Mayor/Chair.

**8.4 Voting - members - seated - disturbance - prohibited**

When the Chair calls for the vote on a motion, each Member shall occupy his seat and shall remain there until the result of the vote has been declared by the Chair, and during such time no Member shall walk across the room to speak to any other Member or make any noise or disturbance.

**8.5 Speaking - passing between Chair - interruption**

When a Member is speaking, no Member shall pass between the speaker and the Chair or interrupt the speaker except to raise a question of privilege, appeal from the decision of the Chair, or raise a point of order.

**8.6 Speaking - motion - read - upon request**

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

**8.7 Speaking - duration - time limit - 3 minutes**

No Member of Council shall speak more than once to the main question without approval of the Council, except in explanation of a material part of his speech which may have been misunderstood, but they may not introduce new matter. A right of reply shall be allowed to a Member who has made a substantive motion to Council, and no Member shall, without leave of the Council, speak to the same question or in reply for longer than three (3) minutes.

**8.8 Question - motion under discussion - through Chair**

A Member may concisely ask a question through the Chair only for the purpose of obtaining information relating to the motion under discussion.

**8.9 Question - integrity of Staff**

A Member, while asking questions through the Chair, shall at no time put into question the Municipal Employees personal or professional integrity.

**8.10 Chair - participation - step down - other designated**

If the Chair desires to leave the chair for the purpose of debate or moving a motion, the Chair shall designate another Member to Chair the meeting until

such time as the motion(s) and any subsidiary motion(s) applicable to the main motion are disposed.

**8.1.1 Motion - seconded - before debate**

A motion shall be seconded before it is debated or voted on.

**ARTICLE IX**

**ORDER OF BUSINESS**

**9.1 Agenda - Content**

The Business of the Council shall in all cases, be taken up in the following order unless otherwise decided by two-thirds of the Members present.

Call to Order

Technical modifications, Deletions or Amendments Adoption of the Agenda

Disclosure of Interest

Delegations

Mayor's and Councilors' message

Adoption of Minutes

Adoption of the Minutes of Previous Meeting

Adoption of the Recommendations of the Municipal Council Committees

Receiving of reports from the appointed Municipal Officials

Municipal By-laws

Unfinished Business from previous meetings

New Business

Correspondence

Question period for the public pertaining to the subject matters discussed

Question period to Council Members pertaining to the subject matters discussed

Notice of motion

Scheduling of meetings

Closed session

Coming events

Confirming By-law

Adjournment

**9.1.1 Delivery of Agenda**

The agenda will be delivered by electronic transmission (e-genda) to each Member of Council, the Administration and the Media by the Clerk's Department no later than Thursday evening, preceding the scheduled Public Council Meeting. Exceptions may be allowed when preparations of the Council Agenda falls on a week providing four work days, due to Statutory Holidays. Agendas and supporting material shall also be posted on the Website of the municipality.

**ARTICLE X  
QUORUM**

**10.1 Call to Order - quorum present**

As soon after the hour fixed for holding the meeting of the Council as there is a quorum present, the Chair shall call the Members to order.

**10.2 Quorum**

A majority of the Members elected (50% +1) to the Council shall constitute a quorum.

**10.3 Quorum - not present - time limit**

If there be no quorum present within fifteen (15) minutes after the time fixed for holding the meeting of the Council, the Clerk shall call the roll and take down the names of the Members present; and the meeting shall stand adjourned until the next regular meeting, or at the call of the Chair.

**10.4 Mayor - absent**

In the case of the Mayor not attending within fifteen (15) minutes after the hour fixed for holding the meeting of the Council, and provided that a quorum is present, the Acting Mayor shall take the Chair and call the Members to order; and he/she shall preside until the arrival of the Mayor.

**10.5 Mayor - Acting Mayor - absent**

In the absence of the Mayor and Acting Mayor, and if a quorum is present, the Clerk shall call the Members to order. A Chairperson shall be chosen from among the Members present, who shall preside over the meeting until the arrival of the Mayor or Acting Mayor.

**10.6 Quorum - Municipal Conflict of Interest - remedy for lack**

Where the number of members who, by reason of the provisions of the **Municipal Conflict of Interest Act**, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or Special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than three (3).

**ARTICLE XI  
COMMITTEE OF THE WHOLE**

**11.1 Committee of the Whole - Mayor presides**

When the Council enters into the Committee of the Whole, the Mayor at any time may preside or may leave the Chair, but if the Mayor leaves the Chair,

the member shall first appoint the Acting Mayor as Chairperson of the Committee who shall maintain order and who shall report the proceedings thereof.

**11.2 Reports to be considered**

While in Committee of the Whole, the following reports shall be considered: Adoption of minutes, presentation, delegations, resolutions / business arising from notice of motions, consent/correspondence, unfinished business reports, communication reports, tenders and request for proposal reports and bylaws.

**11.3 Reading – By-laws**

It shall not be necessary to have the By-laws read in their entirety unless a majority vote by the Council requires that the By-laws be read or a particular by-law be read.

**11.4 Debate – By-laws – Third Reading**

Any By-law may be debated at the Third Reading of the Committee of the Whole and is subject to amendments or referred for future consideration and re-introduced in the same manner or in an amended matter at a future meeting within a quarterly time period.

**ARTICLE XII**

**MINUTES**

**12.1 Contents - recorded - by Clerk**

- a) The Clerk shall prepare and cause the minutes to be taken of each Meeting of Council which shall include:
  - b) The place, date and time of the meeting;
  - c) The names of the presiding officer or officers and the record of the attendance of the Members; should a Member enter after the commencement of a Meeting or leave prior to adjournment, the time shall be noted;
  - d) All other proceedings of Council without note or comment.

**12.2 Included in Agenda**

Minutes of the last regular meeting of Council and of all Special Council Meetings held subsequent to the last regular meeting, shall be included in the agenda and may be adopted by Council without having been read at the meeting at which the question of their adoption is considered.

Should a Special meeting be held during or after final preparations of an agenda for an upcoming regular meeting, the minutes of those special meetings shall be scheduled at the next regularly scheduled meeting.

**12.3 Adoption - without reading**

The Council minutes may be adopted by the Council without being read.

**12.4 Executive (Closed Session) minutes - adoption**

All minutes of Council Closed Sessions shall be presented to Member of Council for adoption at the next scheduled Council meeting.

**12.5 Minutes - confirmation - signing**

When the minutes have been adopted, they shall be signed by the Mayor and the Clerk.

**ARTICLE XIII**

**PRESENTATIONS - DELEGATIONS**

**13.1 Heard - request submitted - deadline - items on agenda**

Persons desiring to address Council for the purpose of making a verbal presentation with respect to items for Council consideration that fall under the Council's mandate shall be heard at the Council meeting, with those delegations having submitted their request in writing to the Clerk by 3:00 three o'clock on the Tuesday preceding the meeting of Council, being heard first, in the order in which such requests are received by the Clerk.

**13.2 Material - written - submitted for Council deadline**

Written material to be distributed to Council shall be submitted to the Clerk by 3:00 three o'clock on the Tuesday preceding the meeting of Council and the notice shall specify clearly the business to be presented, who the spokesperson shall be, the date at which the delegation wishes to be entertained.

**13.3 Presentation defined**

A request made for a presentation may be made by the Council to an individual, group or organization or to the Council by individuals, groups or for matters that fall under the Council's mandate. Should the presentation be made where it requires that action be taken by the Council, the request shall be made under delegations.

**13.3.1 Presentations - ceremonial or financial statements**

Presentations of a ceremonial nature or the annual presentation of Consolidated Financial Statements by the municipal Auditor shall be heard at



the beginning of a Council meeting, immediately following the adoption of minutes.

**13.3.2 Presentations - time limit**

Council shall hear any presentation for information purposes only, and presentations shall be limited to a maximum of ten (10) minutes.

- a) Exceptions of the ten (10) minute time frame are provided to the Township Auditor upon its annual presentation of The Corporation's Financial Statement.
- b) Spokesperson - presentation and/or delegation  
An organized body wishing to address Council as a presentation and/or delegation, regardless of the number of spokespersons shall be limited to a maximum of ten (10) minutes.

**13.3.3 Restrictions and permission**

Presentations and/or Delegations shall not be permitted to appear before Council for the sole purpose of generating publicity for an event, or to promote their business.

a) **Number of Presentations and/or Delegations - meetings**

On any given scheduled Council meeting, there shall be a maximum of two (2) combined presentation and/or delegation permitted to speak for a maximum time allotment of 10 minutes each.

b) **Time Schedule - questions**

Council Members shall be permitted a question period for each presentation and/or delegation of a maximum five (5) minutes.

**13.4 Delegations - time limit**

Persons desiring to address Council as a delegation at a meeting of Council, except as a delegation at a public meeting pursuant to the provisions of the *Planning Act* shall be permitted to speak on a matter only once and be limited to speak for no more than ten minutes.

**13.5 Questions - to delegation**

Members shall be permitted to ask questions of delegates but shall not make statements to nor enter into debate with such persons.

**13.6 Delegations - requests for action - referred**

Delegations which request action to be taken by the Council shall be referred to Administration, by majority vote, for a report that shall be dealt with at the following council meeting.

**13.7 Delegations - previously heard by - Planning Advisory Committee**

Any person, not being a member of Council, desiring to address the Council after having addressed the Planning Advisory Committee, shall notify the Clerk only, in writing of the request and shall include with the request any new information that was not available at the hearing before the Planning Advisory Committee. A notice of delegations will not qualify for a designated regular meeting if received later than 3:00 three o'clock on the Tuesday preceding the said meeting.

**13.8 Delegation - deemed - inappropriate for Council**

When it is deemed inappropriate that a delegation address Council, the Clerk shall so notify the delegation and Council with a supporting explanation. Such written explanation shall be delivered with the Agenda and the Council, if it so wishes to hear the delegation, shall, by two-thirds vote of the Council Members in attendance, introduces a motion to suspend the rules to allow the delegation to be heard.

**13.9 Delegation - statements - unsubstantiated**

Whenever a delegation in its presentation, offers comments or statements that are deemed to be erroneous and unsubstantiated, any Member of Council or Township Official, may be recognized by the Chair on a Point of Order whereby the member of Council or Township Official so recognized by the Chair may bring necessary corrections or clarifications to the comments or statement said by the delegation.

**ARTICLE XIV**

**QUESTION PERIOD FROM THE PUBLIC**

**14.1 Restrictions and permission**

A question period from the public pertaining to items discussed at the meeting shall be authorized for a maximum of 15 minutes. It may be extended by a majority vote of Council. A person wishing to put a question to Council shall seek permission from the Mayor by advancing to the podium, introducing himself of herself, giving his or her contact information and addressing his or her question to the Mayor.

The Mayor may answer the question, refer same to another member of Council or of staff, or if not possible to answer it immediately, he or she shall refer it to the Chief Administrative Officer who shall ensure that the

concerned department answers shall be circulated to Council. It shall be out of order that a debate be introduced between the person who asked a question and the person who answers it.

A person shall be authorized to ask only one question and a sub-question per meeting and shall be limited to three minutes including the introduction.

Only questions of public concerns shall be authorized. Questions pertaining to personal files, litigation matters, insurance claims and subjects discussed in-camera, matters beyond the municipality's jurisdiction, accusations and complaints against an individual including a member of Council or staff be inadmissible. Speeches shall not be authorized in the question period. A person who has addressed Council in the delegation shall be authorized to ask a question on that matter.

No person shall:

- Speak disrespectfully of any person;
- Use improper language or unparliamentarily language;
- Disobey the rules of procedures or a decision of the Mayor.
- At no time shall this question period be taken by members of the audience to make speeches, accusations or political purposes.

## **ARTICLE XV**

### **BY-LAWS**

#### **15.1 Description - number of readings - listed on agenda**

All by-laws, together with a brief description and the notation of the number of readings required, shall be listed on the agenda for the meeting at which they are to be read.

#### **15.2 Introduction - upon motion - title read**

Every by-law shall be introduced upon motion of a Member specifying the title of the by-law.

#### **15.3 Form - typewritten - compliance - relevant Act**

Every by-law when introduced shall be in typewritten form and shall comply with the provisions of any relevant Act.

#### **15.4 Readings - three - prior to passing**

Every by-law caption shall be read prior to it being passed and endorsed by the Council.

**15.5 Purpose - effect - explained upon request**

Any Member may request that the purpose and effect of any particular by-law be explained, and the Clerk or any other Township Official having knowledge thereof may provide such explanation.

**15.6 Debate - amendment**

A by-law may be debated or amended before final adoption by Council.

**15.7 Passed - numbered - dated - signed - seal affixed**

Every by-law passed by the Council shall be numbered and dated, and shall be sealed with the Seal of the Municipal Corporation and signed by the Mayor and the Clerk and shall be kept by the Clerk in the Clerk's office or any other place appointed for that purpose.

**15.8 Confirmation - conclusion - of meeting**

At the conclusion of all regular meetings of the Council and prior to adjournment, a by-law shall be brought forward to confirm the actions of the Council at that meeting in respect of each motion, resolution and other action taken.

**15.9 Confirmation - introduction - voted on - without debate**

A Confirming by-law when introduced shall be taken as read and finally adopted without debate.

**ARTICLE XVI**

**CONSENT / CORRESPONDENCE**

**16.1 Items - considered - for inclusion**

All items to be considered for the Consent portion of the agenda shall be determined by the Mayor, Chief Administrative Office and the Clerk.

**16.2 Consent items - explanatory note - one motion**

Items listed under the Consent agenda shall be preceded by an explanatory note indicated *all matters listed on the Consent Agenda are considered to be routine and will be enacted by one motion. There will not be any separate discussion of these items.*

**16.3 Items for discussion - routine**

All items listed under the Consent Agenda shall contain routine matters which are not controversial in nature and which do not need further discussion.

**16.4 Request to separate - consent item - to communication**

Should a Member of Council wish to discuss any matter listed under the Consent Agenda, the Member shall ask immediately upon the Mayor calling

Any Amendments, Deletions or Corrections to the Agenda, at which time the Member shall request that the item be separated and dealt with under Communication.

**16.5 Committee Reports - PAC**

Planning Advisory Reports (PAC) presented before Council for approval, shall be included under the Consent Agenda.

**16.6 Staffing Requests - previously budgeted**

Municipal staffing requests for existing budgeted positions shall be presented before the Council for approval under the Consent Agenda.

**ARTICLE XVII**

**RESOLUTIONS - NOTICE OF MOTION**

**17.1 Resolutions - notice of motions - debated separately**

Every matter listed under Resolution or Notice of Motions introduced at a previous meeting, shall be dealt with individually.

**17.2 Resolutions - consecutively numbered**

All resolutions presented to the Council shall be consecutively numbered, on a yearly basis.

**17.3 Notice of Motion - when required - annual budget**

A Notice of Motion shall be introduced in writing, when a Member of Council or a Municipal Official wishes to amend, repeal or alter a by-law, the pre-approved budget or any motion previously approved by Council, and where the motion is to introduce any measure of change in the Council's previously established policies.

**17.4 Notice - introduced - notice - requirements**

- a) A Member may introduce a notice of motion at a meeting regarding a matter that would not otherwise be considered by Council at such meeting, by delivering a written copy of the motion, signed by the mover and seconder, to the Clerk.
- b) A member of the Administration may introduce a Notice of Motion without the requirement of a mover and seconder.

**17.5 Notice - received - by Clerk - included - in agenda**

Notice of Motions introduced at a public meeting of Council shall not be debated and shall be recorded on the next regular meeting of Council under Resolution.

**17.6 Consideration - disposal - deferred - to other meeting**

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

**17.7 Seconded - by any member - seconder not present**

Any Member may agree to second a notice of motion if the seconder is absent from the meeting when the notice of motion is called for by the Chair.

**17.8 Notice - delivered - time**

Notice of motions may be delivered to the Clerk no later than 3:00 p.m. on the Tuesday preceding the date of the next regular meeting, in order to be included to the final agenda, at which time the motion is to be introduced, or be read at the end of a regularly scheduled meeting of the Council.

**ARTICLE XVIII**

**REPORTS - COMMUNICATION**

**18.1 Written - legible - signed**

Every communication report to be presented to the Council shall be prepared under the approved submission agenda program, with an identifiable recommendation, and shall be signed by the Chief Administrative Officer and where financial implications are identified, the Treasurer.

**18.2 Deadline - material submitted - to Clerk**

Every communication report which deals with a matter on the Council agenda shall be delivered to the Clerk no later than 3:00 p.m. on the Tuesday preceding the meeting of the Council in order to be printed on the agenda.

**18.3 Agenda - preparation - substance**

The Clerk shall prepare a summary of the substance of all correspondence/reports for inclusion in the agenda. Any Member of Council may require the Clerk to read part or all of any correspondence.

**18.4 Tender - Quotation- RFP's reports**

All reports identified as tenders, quotations or requests for proposals, shall be presented under the Heading of Tenders and shall be dealt with individually.

**ARTICLE XIX  
DISCLOSURE OF INTEREST**

**19.1 Disclosing - Member responsibility**

All Members shall govern themselves at any Meeting in accordance with the current legislation respecting any disclosure of interest they may have in accordance to the "*Conflict of Interest Act*". It is the responsibility of the Member to identify and disclose any interest.

**19.2 Disclosing - no influencing**

The Member shall disclose the interest including the general nature thereof, prior to any consideration of the matter and shall not take part in the discussion of, or vote on any question in respect of the matter and shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

**19.3 Member - leave meeting - in camera**

Where the meeting is not open to the public, the Member shall immediately leave the Meeting or the part of the meeting during which the matter is under consideration.

**19.4 Member - absent - from meeting**

Where a Member is absent from a meeting which includes a matter on which they have an interest, the Member shall disclose this interest at the next public meeting they attend.

**19.5 Declaration - recorded - minutes**

The declaration of interest shall be recorded in the Minutes or report of the meeting and, where the meeting was open to the public, the general nature of such declaration.

**ARTICLE XX  
COMMITTEES  
AD HOC COMMITTEE**

**20.1 Appoint - Ad Hoc Committee**

Council may, at any time, appoint an Advisory or Ad Hoc Committee to enquire into and report on any matter specific to one subject matter and that is not of a continuous nature.

**20.2 Reports - Ad Hoc Committees of Council**

Members appointed by the Council to sit on the Ad Hoc Committee shall file their final report to the Members of the Council for debate and final resolution.

**20.3 Ad Hoc Committee Mandate**

Each Committee shall be given a clear mandate and well defined terms of reference which will include among other things, the composition, reporting relationship, resources available to the committee and, if required, a defined time frame.

**20.4 Discharging of Ad Hoc Committee**

Once the Ad Hoc Committee has filed its report with the Council and Members have dealt with the matter referred to the Ad Hoc Committee, on presentation of its final report to the Members of Council, it automatically ceases to exist.

**SPECIAL COMMITTEE**

**20.5 Special Committee – Appointment**

At the start of every new Term of Council, the Head of Council, in consultation with elected Members of Council, shall determine and appoint individual Councilors to sit on various Special Committees as a representative of Council. The appointments shall be endorsed by By-law during their Inaugural Meeting.

**20.6 Special Committee – Procedures**

All Committees recognized as a Special Council, through By-law and where a Member of Council sit on their Board, shall conduct their meetings in accordance to the adopted “Procedures” By-law governing Members of Council.

**20.7 Special Committee – change in membership**

Occasionally throughout the mandate of a current term of Council, the need may arise where a change of Members of Council is required. Any change shall be reported to the Head of Council, who shall have the authority to recommend an alternate Member of Council to the Committee.

**20.8 Speaking – duration – time limit – 3 minutes**

Members of Council who wish to provide brief remarks on matters relating to a Special Committee to which they have been appointed, shall, upon recognition by the Chair speak no more than three (3) minutes on the matter. There shall be no debate on the information provided.

**STANDING COMMITTEES**

**20.9 Composition – all Members**

A Standing Committee shall be composed of all Members of the Council.



**20.10 Appointment – Chair**

The Chair and Vice-Chair of a Standing Committee shall be appointed by the Committee.

**20.11 Named – limited**

At this time, the Planning Advisory Committee is the only Standing Committee of Council.

**20.12 Meetings - minutes - agendas - supplied to members**

It shall be the duty of the Standing Committee to ensure that the minutes of the last regular meeting of together with an agenda containing reports to be considered is made available to each Member on the Friday preceding the day of the holding of such Meeting.

**20.13 Rules - observed - in all meetings**

The rules governing the procedures of the Council and the conduct of its Members shall be observed in meetings of the Standing Committee in so far as they are applicable.

**ARTICLE XXI**

**GENERAL RULES – ALL COMMITTEES OF COUNCIL**

**21.1 Defined – Special/Standing Committees**

- a) Special / Standing Committees of Council shall be defined as meeting all of the follows criteria:
- b) Committee must be appointed by Council in accordance with its Procedural By-law.
- c) Committee shall report to and/or be responsible to Council as a governing body.
- d) Committee must be part of the municipality’s budget with finances subject to municipal policies (i.e. not an outside body with its own bank account, purchasing etc.)

**21.2 Committee appointments of Members of Council**

Members of Council shall be selected to sit on various Boards and Committees of Council by the Head of Council at its Inaugural meeting held at the beginning of a new term of office. Appointments shall be for the term of Council unless the By-law specifies a shorter time and where a re-appointment may be made.

**21.3 Appointment - Special Committees**

Special Committees of Council may be appointed by the Council or by the Mayor with the approval of Council, at any time of the year as deemed necessary for consideration of special matters.

Upon the appointment of a Special Committee, Administration will be directed to prepare the Draft Term of Reference necessary for the Committee to begin its work.

**21.4 Lay Appointments - Special or Standing committees**

Appointments to any Special Committee or Standing Committee, from non-council members shall be made following these criteria: Public notice soliciting individual applications, from citizens of North Stormont shall be conducted. All applications shall then be presented to the Lay Appointments Committee of Council, who shall make its recommendation to the Council, during an Executive Meeting (Closed Session) for approval.

**21.5 Mayor - Ex-officio**

The Mayor shall be an ex-officio Member of all Council Committees, and may vote on all questions before the Committee but shall not be counted in the formation of a quorum.

**21.6 Majority - Quorum**

A majority (50% +1) of all members of a Committee shall constitute a quorum.

**21.7 Members - may attend - no vote**

Members of the Council may attend and participate in the discussion or debate at any Committee meeting, but shall not be allowed to vote unless they are Members appointed by the Council to that Committee.

**21.8 Appointment - 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 from the Municipality, the Council may appoint another member to act in his 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.

**21.9 Neglect - calling of meetings**

Should a Chairperson of any Committee neglect or refuse to call a meeting of his Committee at such time or with such frequency as the proper dispatch of the business entrusted to the Committee requires, or do the business of the Committee without the knowledge or consent of its members, or contrary to their wishes or sanction, the Committee may report such neglect, refusal or action to the Council who may, remove said Chairperson from the Committee and appoint another member in his place.

**21.10 Members - not attending - removal**

Should any Member or Members of a Committee neglect or refuse to attend the properly summoned meetings of their Committees, the Chairperson shall report such neglect or refusal to the Council who may remove the said Member or Members of their place; or should any Committee neglect or refuse to give due attention to all business or matters before them, the Council may, by resolution, discharge such Committee and appoint another in its stead.

**21.11 Absence - Chairperson**

In the absence of the Chairperson, the Vice-Chairperson shall preside, and in the absence of both the Chairperson and the Vice-Chairperson, one of the other Members shall be elected to preside pro temp, who shall discharge the duties of the Chairperson during the meeting or until the arrival of the Chairperson.

**21.12 Committee matters - referred to Council**

No order or authority to do any matter or thing shall be recognized as originating from any Committee, and all Committee matters shall be referred to Municipal Council and approved before becoming effective.

**ARTICLE XXII**

**NEW BUSINESS - UNFINISHED BUSINESS**

**22.1 Unfinished Business – Index – Pending List**

All matters brought forward to Members of Council for consideration and that have not been disposed of or that has been referred or committee to a future date, shall be indexed under a “pending list” and considered unfinished business and shall identify which department has been given ownership of providing a future report.

**22.2 New business - routine nature**

Any item of business that is of a routine nature that has been introduced to Members of Council requiring a formal resolution that was not previously placed on the Agenda shall be considered as a New Business Motion.

**22.3 New business - in writing - mover and seconder - filed**

All new business motions shall be introduced in writing, with a mover and seconder and filed with the Clerk.

**22.4 New business - filing time - inclusion on agenda**

New Business motions that are filed prior to 3:00 p.m. on the Tuesday preceding a regular meeting shall be included to the printing of the agenda.

**22.5 New Business - voted on individually**

All New Business motions shall be voted on individually.

**22.6 New Business - non-routine - Notice of Motion**

New business motions that are not of a routine matter, shall be received and read by the Clerk as a Notice of Motion and re-introduced at the next regular meeting of Council under Resolution for Council discussion, such as but not limited to expenditures, changes in policy etc.

**22.7 New Business – introduced – regular meeting**

Motions of a new business nature may be filed with the Clerk during the regular meeting of Council and shall be read during the New Business section of the Agenda. The mover of the motion shall provide copies of the proposed New Business motion to all Members of Council prior to the meeting at which the motion is being introduced.

**22.8 Matters not under Council jurisdiction**

Any matter not considered to be matters under the Municipal Council's jurisdiction, after consultation with the Mayor, Chief Administrative Officer and Clerk, shall not be accepted.

**ARTICLE XXIII**

**VOTING**

**23.1 Chair need not vote**

The Chair may vote as any other Member when the vote is to be recorded. In all other cases, the Chair, may (but is not obliged to) vote whenever his vote will affect the result – that is, he may vote either to break or to cause a tie; or, in the case of a two-thirds vote requirement, he may vote either to cause or to block the attainment of the necessary two-thirds vote.

**23.2 All questions - exception - disqualified**

Every Member present at a meeting, with the exception to Section 22, when a question is put forward, the member may vote thereon unless disqualified to vote on the question.

**23.3 Failure to vote - deemed negative**

Failure to vote by a Member who is not disqualified, and who has not indicated that the member abstains shall be deemed to be a negative vote.

**23.4 Motion - simple majority - required - exception**

The vote required to pass a motion shall be a simple majority (50% +1) except as otherwise provided in this By-law, by Statute or by *Robert's Rules of Order*.

**23.5 Equal - motion deemed negative**

In the case of an equal division of votes on a motion, the motion shall be deemed to have been decided in a negative way and defeated for wanting to obtain a majority.

**23.6 Show of hands - exception - recorded vote**

The manner of determining the desire of the Council on a motion shall be by show of hands.

**23.7 Recorded - by request - vote announced openly**

Where a vote is taken for any purpose and a Member requests immediately prior or immediately subsequent to the taking of the vote that the vote be recorded, each Member present, except a Member who is disqualified, from voting, shall sign the motion of his vote openly; and any failure to vote by a Member who is not disqualified or who has not abstained from voting shall be deemed to be a negative vote; and the Clerk shall record each vote.

**23.8 Division - Separate vote - each proposal**

At the request of a Member of Council, a motion containing distinct proposals, that can be acted upon individually may be divided, and a separate vote shall be taken upon each individual proposal.

**23.9 Member not in their seat - deemed absent**

A Member not in their seat when the question is called by the Chair is not entitled to vote on that question and in the case of a recorded vote, shall be recorded as absent.

**23.10 Chair - stating the question**

Immediately preceding the taking of the vote, the Chair shall state the question in the form introduced.

**23.11 Announcing - results**

The Chair shall announce the result of every vote.

**ARTICLE XXIV**

**MOTION - TO APPEAL**

**24.1 Made - at time of ruling - point of order**

A motion to appeal from the decision of the Chair shall be made only at the time the ruling is made by the Chair and shall not require a seconder.

**24.2 Decision - Chair - final**

Unless a Member immediately appeals the Chair's decision, the decision of the Chair shall be final.

**24.3 Non-debatable - amendable - reconsidered**

A motion to appeal the decision of the Chair shall not be debated or amended.

**ARTICLE XXV**

**QUESTION OF PRIVILEGE**

**25.1 Integrity - Member - Council - in question**

Where a Member considers that the integrity of a Member of Council as a whole has been called into question, the Member may, as a matter of privilege, may rise at any time, with the consent of the Chair, no debate being allowed, for the purpose of drawing attention to Council about the question.

**25.2 Motion - to receive disposition - treated as main motion**

A motion resulting from a question of privilege shall receive disposition by the Council forthwith, and, following such disposition, the motion so interrupted shall be immediately be considered at the point where it was suspended.

**ARTICLE XXVI**

**REQUEST FOR INFORMATION**

**26.1 Request Information**

Where a Member is uncertain of a particular issue being discussed, the Member may ask the presiding officer to clarify or if the Chair is unsure of the answer, may direct the question to another member. All requests for information shall be on the business pending or on parliamentary situation.

**ARTICLE XXVII**

**WITHDRAWAL - MOTION**

**27.1 Withdrawal of Motion**

A request to withdraw a motion shall only be made by the mover of the motion.

**27.2 Without consent of seconder**

A request to withdraw a motion may be made without the consent of the seconder of the motion.

**27.3 In order - anytime during debate**

A request to withdraw a motion shall be in order anytime during debate.

**27.4 Objection - by member - entertained - main motion**

If a Member objects to the withdrawal of the motion, a motion to maintain the question may be entertained and become a main motion.

**27.5 No objection - withdrawal - without seconder - vote**

If no Member objects to the withdrawal of the motion, the motion shall be considered withdrawn without the necessity of a seconder and a vote.

**ARTICLE XXVIII**

**POINT OF ORDER**

**28.1 Rules of Procedure - breached**

A point of order may be called by a Member to bring attention to any breach of the Rules of Procedure of the Council.

**28.2 Language - improper - offensive**

A point of order may be called by a member to bring attention to the use of improper offensive or abusive language.

**28.3 Discussion - not valid - outside proposed motion**

A point of order may be called by a member to bring notice of the fact that the matter under discussion is not within the scope of the proposed motion.

**28.4 Proceedings - other - informality - irregularity**

A point of order may be called by a member to bring attention to any other informality or irregularity in the proceedings of the Council.

**28.5 Member - rise - ask leave of Chair - point stated**

When a Member rises on a point of order, the Member shall ask leave of the Chair to raise the point of order; and after leave is granted, the Member shall state the point of order to the Chair.

**28.6 Decision - announced - prior to recommencement**

No further business shall be conducted until the Chair has decided and stated the point of order.

**28.7 Address - to Chair - purpose - to appeal decision**

Thereafter, a Member shall only address the Chair for the purpose of appealing the Chair's decision to the Council.

**28.8 Decision - of Chair - final - no appeal**

If no Member appeals, the decision of the Chair shall be final.

**28.9 Appeal - member right - Chair reply - decision final**

If a Member appeals to the Council, the Member shall have the right to state a case. A seconder is requested, the Chair shall have the right to reply and place the question before the Council who shall decide the question without debate, and its decision shall be final. In an appeal from the decision of the Chair, a tie vote sustains the Chair's decision.

**ARTICLE XXIX**

**CLOSE DEBATE - PUT THE QUESTION**

**29.1 Non-debatable - amendable**

A motion to close debate (or) put the question shall not be debatable or amendable, and shall require a two-thirds vote.

**29.2 Resolved - affirmative - original motion put - no debate**

When a motion to close debate (or) put the question is in the affirmative, the original motion shall be put forward without debate or amendment.

**ARTICLE XXX**

**REFER OR COMMIT**

**30.1 Debatable - amendable - reconsideration - permitted**

A motion to refer or Commit a matter shall be debatable and amendable.

**30.2 Motion - deemed - possession of the Council**

After a motion is read by the Clerk, it shall be deemed to be in possession of the Council, but may be withdrawn at any time before decision or amendment, with permission of the Council.

**30.3 Motion presented - debate**

When a motion is presented in Council/Committee, it shall be read before debate.

**30.4 Motion - outside jurisdiction - of Council**

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

**30.5 Disposition of Motion**

A motion properly presented before Council / Committee for decision must receive disposition before any other motion, not relevant to the main motion introduced.



**ARTICLE XXXI  
MOTION TO AMEND**

**31.1 Debatable - amend - permitted**

A motion to amend shall be debatable, unless the motion to which it adheres to is undebatable.

**31.2 Written - when requested - by Chair**

A motion to amend shall be presented in writing when requested by the Chair.

**31.3 Relevant to main motion**

A motion to amend shall be germane to the main motion.

**31.4 Contrary - to main motion - not in order**

A motion to amend shall not be in order if it is contrary to the main motion.

**31.5 Amended - once only**

Only one amendment shall be allowed to an amendment.

**31.6 Council disposition - before amendment - motion**

A motion to amend shall receive the disposition of the Council before a previous amendment or the motion.

**ARTICLE XXXII**

**MOTION - TO RECONSIDER**

**32.1 Reconsideration - majority of Council - same meeting**

Any matter decided upon by the Council, may be reconsidered at the meeting by a two-thirds (2/3's) vote of the Council.

**32.2 Amend Something Previously Adopted or Rescind**

A motion to reconsider any matter already disposed of by the current Council at a previous meeting, shall require a motion to *Amend Something Previously Adopted* or a motion to *Rescind*, provided by Notice at one meeting to be dealt with at the following meeting.

**32.3 Member - on prevailing side - moves to reconsider**

A motion to reconsider can be made only by a member who voted with the prevailing side or a member who did not vote.

**32.4 Motion to reconsider adopted**

If a motion to reconsider has been adopted, it temporarily nullifies the previous decision and places the meeting back at the point prior to taking the vote on the original motion.

**32.5 Adoption of motion - for reconsideration**

If a motion to reconsider has been adopted at a meeting, then consideration of the original matter shall become the next order of business.

**32.6 Motion to reconsider - becomes main motion**

The main motion originally voted on is once again pending; procedurally, it is considered a newly made main motion.

**32.7 No discussion - unless reconsideration adopted**

There shall be no discussion on the main question permitted until the motion for reconsideration is adopted.

**32.8 Calculation of reconsideration**

The calculation of two-thirds (2/3's) vote shall be rounded upwards to the next highest number.

**32.9 Reconsideration - only once**

No motion or report shall be reconsidered more than once at any meeting.

**32.10 Use - Notice of Motion - Reconsideration**

Any member may introduce a Notice of Motion at a meeting of Council to *Amend Something Previously Adopted or Rescind* a decision previously adopted by the Council.

**ARTICLE XXXIII**

**MOTION - TO ADJOURN**

**33.1 In order - exception**

A motion to adjourn shall always be in order except as otherwise provided for in this By-law.

**33.2 Negative - until proceedings completed**

A motion to adjourn, when resolved in the negative, shall not be presented again until after some intermediate proceedings have been completed by the Council.

**33.3 Member speaking - voting prohibited**

A motion to adjourn shall not be in order when a Member is speaking or during the verification of a vote on a motion.

**33.4 Affirmative resolution - current question - prohibited**

A motion to adjourn shall not be in order until the current question has been put and a resolution made by motion.

**33.5 Non-debatable**

An unqualified motion to adjourn shall not be debatable or amendable.

**33.6 Meeting - continuation - 11:00 p.m.**

No item of business other than the Confirmatory By-law shall be considered at a meeting of the Council after the hour of 11:00 p.m. local time, unless otherwise decided by a two-thirds (2/3) vote of the Members present.

**ARTICLE XXXIV**

**MOTION TO RECESS**

**34.1 Length of time - specified**

A motion to recess when other business is before the meeting shall specify the length of time of the recess.

**34.2 Non-debatable-length of time - amendable**

A motion to recess when other business is before the meeting shall not be debatable and shall only be amendable with respect to the length of the recess.

**34.3 Future time - treated as main motion**

A motion to recess at a future time shall have no privilege and shall be treated as a main motion.

**ARTICLE XXXV**

**RESIGNATION - MEMBER - VACANCIES**

**35.1 Resignation - file in writing - Clerk**

A Member of Council may resign from office by notice in writing filed with the Clerk of the Corporation of the Township of North Stormont subject to *Section 260 (1) and 263 of the Municipal Act.*

**35.2 Filling - vacancy**

If a vacancy occurs in the office of a Member of Council, the Council shall, subject to *Section 263 of the Municipal Act*; fill the vacancy.

**35.3 Appointments to vacancies**

Subject to Section 263 of the Municipal Act, where a vacancy occurs amongst a seat of the Mayor and/or Councillor, the Council at a meeting called for that purpose shall select the manner in which they wish to fill the vacancy.

**POSITION OF MAYOR**

**35.4 Appointment to a Vacancy in the position of Mayor (Sec.263 Municipal Act)**

- a) fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- b) require a by-election to be held to fill the vacancy in accordance with the *Municipal elections Act, 1996*; or
- c) appoint amongst the current Members of Council to fill the vacancy of the Mayor's position.

**POSITION OF COUNCILLOR**

**35.5 Appoints to Vacancy – Member of Council**

- a) fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- b) require a by-election to be held to fill the vacancy in accordance with the *Municipal Elections Act, 1996*; or
- c) appoint the first non-elected candidate for the position of Council Member during its last municipal election to fill the vacancy, subject to conditions in accordance to the Municipal Election Act.

**35.6 Members - not attending - removal**

The office of a Member of Council of the municipality becomes vacant if the Member is absent from the meetings of council for three consecutive months without being authorized to do so by a resolution of council. (*Municipal Act(sec 259(1)(c).)*)

**ARTICLE XXXVI**

**REPEAL - ENACTMENT**

**36.1 By-laws - previous**

By-law No. 087-03 and all adhering amendments are hereby repealed.

**36.2 Effective date**

This By-law shall come into effect on the 11<sup>th</sup> day of August, 2015.

READ a first, second and third reading this 11<sup>th</sup> day of August, 2015.



Dennis Fife  
Mayor



Marc Chénier  
Chief Administrative Officer/Clerk