



**THE CORPORATION OF THE  
TOWNSHIP OF NORTH  
STORMONT**

**By-Law No. 36-2020**

**A BY-LAW TO GOVERN THE  
PROCEEDINGS OF COUNCIL  
AND ITS COMMITTEES**

Approved:  
June/23/2020

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**CORPORATION OF THE TOWNSHIP OF NORTH STORMONT**

**BY-LAW NO. 36-2020**

**BEING** a By-Law for governing the calling, place and proceedings of meetings for 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** Section 5(3) of the Act provides that the powers of every council are to be exercised by by-law;

**AND WHEREAS** Section 238 (2) of the Act requires that municipalities shall pass a Procedure By-Law for governing the calling, place and proceedings at meetings;

**AND WHEREAS** Council deems it expedient to establish rules for the calling, place and proceedings of its meetings for the members of Council and the Committees within its jurisdiction;

**AND WHEREAS** Council provided the required notice in accordance with its notice provisions of their intention to enact this by-law.

**THEREFORE**, the Council of the Corporation of the Township of North Stormont enacts as follows:

**1. DEFINITIONS**

- 1.1 **“Abstain”** means a refusal to vote either for or against a proposal or motion.
- 1.2 **“Act”** shall mean the Municipal Act, 2001, c.25, as amended.
- 1.3 **“By-Law”** shall mean a local law. By-Laws are 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.
- 1.4 **“Chief Administrative Officer (CAO)”** shall mean the individual as appointed by Council as the Chief Administrative Officer for the Township of North Stormont.
- 1.5 **“Clerk”** shall mean the individual appointed by Council as the Clerk of the Township of North Stormont.
- 1.6 **“Closed Session”** shall mean a meeting or part of a meeting that is closed to the public in accordance with the Act. Can also be referred to as an In-Camera session.
- 1.7 **“Committee”** shall mean any advisory or other committee, sub-committee or similar entity which shall include at least one (1) member of Council and as established by by-law.
- 1.8 **“Council”** shall mean the Council of the Corporation of the Township of North Stormont.
- 1.9 **“Delegation”** shall mean a maximum of two (2) persons representing a group who wish to provide information or make requests to Council or a Committee of Council.
- 1.10 **“Electronic Participation”** means a Council or Committee Member who participates in a Council, Committee of the Whole or Committee meeting remotely via electronic means (e.g. video or audio teleconference), has the same rights and responsibilities as if he or she were in physical attendance, including the right to vote and the right to be counted towards a quorum of members.
- 1.11 **“Head of Council”** shall mean the Mayor of the Township of North Stormont. The Mayor presides all Council meetings.
- 1.12 **“Local Board/Board”** shall mean an entity formed:
  - a) By a direct link with the Township by way of legislation or authority from the Township;
  - b) Carry out the affairs of the Township;

- c) Connected to or controlled by the Township;
- d) With an element of autonomy.
- 1.13 **“Materially Advances”** shall mean to substantially, measurably or identifiably advance a matter or issue forward.
- 1.14 **“Meeting”** shall mean any regular, special or other Meeting of Council, Local Board or Committee where:
  - a) A quorum of Members is present;
  - b) Members discuss or otherwise deal with any other matter in a way that materially advances the business or decision making of the Council, Local Board or Committee.
- 1.15 **“Member”** shall mean a person duly elected or appointed to serve on Council, a Committee or a Local Board of the Corporation of the Township of North Stormont.
- 1.16 **“Minutes”** shall mean the record of proceedings of a meeting which records, without note or comment, all resolutions, decisions and other proceedings at a meeting.
- 1.17 **“Pecuniary Interest”** and **“Disclosure of Interest”** shall mean an interest, direct or indirect of a pecuniary nature in any matter within the meaning of the Municipal Conflict of Interest Act.
- 1.18 **“Presiding Officer”** shall mean the Mayor or the person presiding over a Meeting who is charged with the responsibility to decide questions and points or order or practice, preserve order and maintain decorum in the proceedings of Council, Local Boards or Committees.
- 1.19 **“Public Meeting”** shall mean a public meeting held pursuant to the Planning Act or other legislation where statutory notice is required.
- 1.20 **“Quorum”** shall mean the majority of the eligible voting Members present at a meeting.
- 1.21 **“Recorded Vote”** shall mean the recording of the name and vote of every Member on any matter or question where any Member requests the vote be recorded.
- 1.22 **“Regular Meeting”** shall mean a scheduled meeting held in accordance with the approved Regular Meeting schedule.
- 1.23 **“Resolution”** shall mean a motion after it has passed.
- 1.24 **“Rules of Procedure”** and **“Rules of Order”** shall mean the applicable procedural rules and the rules of conduct contained in this By-Law. All of the proceedings of Council, Local Board and Committees, the conduct of the Members and the calling of Meetings shall 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, the latest edition of Robert’s Rules of Order shall apply.
- 1.25 **“Social Media”** shall mean and includes all forms of electronic communication such as Facebook, Twitter, blogs and any current or future means of sharing information electronically.
- 1.26 **“Special Meeting”** shall mean a meeting not scheduled in accordance with the approved Regular Meeting schedule.
- 1.27 **“Township”** shall mean the Corporation of the Township of North Stormont.

## **2. MEMBERS OF COUNTY COUNCIL**

- 2.1 The Mayor and Deputy-Mayor of the Township shall become Members of County Council of the United Counties of Stormont, Dundas and Glengarry upon;
  - a) Certification from the Clerk; and
  - b) Taking a Declaration of Office for the position.

**3. COMMITTEES**

**3.1 Appointment to Special Advisory, Standing or Ad Hoc Committees**

Special Advisory, Standing or Ad Hoc Committees may be established by Council By-Law at any time of the year, as deemed necessary, for consideration of special matters. Appointments to these Committees shall consist of at least one (1) Member of Council and lay appointees. Members of Council appointed to a Committee must report to the Council on Committee business on a regular basis. The Committee Secretary shall provide the minutes. All established Committees are responsible to Council as the governing body and authority to do any matter as well as orders given shall have the final approval of Township Council.

**3.2 Terms of Reference**

A draft Terms of Reference shall be presented for Council's approval at the time a Committee is being established. These shall include a clear mandate, composition, reporting, resources including financial and the defined time frame of the Committee. The Terms of Reference shall form part of the approved establishing By-Law.

**3.3 Delegation of Authority**

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

**3.4 Rules of Procedure**

All Rules of Procedure outlined in this By-Law shall apply to all Members of Council, all Committees of Council, Special Advisory Committees, Ad Hoc Committees and Standing Committees.

**3.5 Appointment of Council Members to Committees**

Members of Council shall be appointed by Council By-Law to sit on various Township Committees. These appointments shall be for the term of Council. Members are encouraged to seek interest as a Member of a Committee by providing written communication to the Clerk by December 31 after an election.

**3.6 Mayor- Ex-Officio Member of all Committees**

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

**3.7 Lay Appointments**

Non-Council Member appointments to any Committee shall also be confirmed by Council By-Law and shall be based on the following criteria:

- a) Public notice shall be given by soliciting individual applications from ratepayers of North Stormont;
- b) All applications shall be presented to Council for review and consideration during a Closed Session Meeting.

**3.8 Appointment of Other Member due to Illness/Absence**

If a Member of Council is unable to attend Committee Meetings due to illness or otherwise, they must report such absence to the Head of Council who shall have the authority to appoint another Member to act in their stead, and the Member so appointed shall be deemed to be a Member of the Committee and be entitled to act thereon during such absence.

**3.9 Removal of Members**

Should any Member (s) of a Committee neglect or refuse to attend their Committee Meetings, the Presiding Officer shall report such neglect or refusal to Council who may remove the Member of their place. Should any Committee neglect or refuse to give due attention to all business or matters before them, Council may discharge such Committee Members and appoint others in their stead by By-Law.

**3.10 Absence of Presiding Officer**

In the absence of the Presiding Officer, one of the Members shall be elected to preside and shall perform the duties of the Presiding Officer during the Meeting or until the arrival of the Presiding Officer.

**4. MEETING TYPES AND NOTICE THEREOF**

**4.1 Notice of Meetings including Continuation and Recordings**

**4.1.1 Meeting Notice to the Public**

- a) The Meeting agenda shall constitute notice of each Meeting. The agenda shall include the date, time and location of the Meeting.
- b) Notice of Council Committee Meetings shall be posted on the Township website.
- c) If a change in schedule occurs, notice shall be posted as soon as practical, on the Township's website, at the Township Office and via Social Media.

**4.1.2 Meeting Curfew**

No item of business shall be considered after the hour of 10:00 p.m. local time unless otherwise decided by a majority vote of the Members present.

**4.1.3 Electronic Meetings, Recordings, Broadcasts, Live Streaming**

- (a) Electronic Participation shall be permitted for Council members and the general public during periods of time where an emergency has been declared to exist in all or any part of the municipality under Section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*.
- (b) Electronic Participation is permitted for Council, Committee of the Whole and Committee meetings.
- (c) A member of Council or committee member who wishes to participate in a meeting electronically shall provide the Clerk a minimum of forty-eight (48) hours' notice.
- (d) Council shall hold a vote upon review of the agenda and must have unanimous consensus prior to having an electronic closed meeting.
- (e) Any meeting with a quorum of Members may be audio and/or visually recorded, broadcast or live streamed publicly by the Township with the exception of meetings closed to the public.
- (f) Any Member or members of the public in attendance using their own recording equipment, shall inform the Presiding Officer to ensure proper notification of such.

- (g) Only Council approved minutes of any meeting shall form the official record of the meeting. Any audio, video or other recording of the meeting shall not be considered an official record.

**4.1.4 Meeting Open to the Public**

All Council and Committee meetings shall be open to the public except as provided in the Act.

**4.2 Orientation for New Council**

An orientation meeting shall be held for Members of a new Council. This meeting shall allow the CAO/Clerk to provide all 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, Code of Conduct, dress codes, payroll and a general overview of the Township's role and function.

**4.3 Inaugural Meeting**

The Inaugural Meeting of Council, following a regular election, shall be held on the first (1<sup>st</sup>) Tuesday in December at 6:30 p.m. in the Township of North Stormont Council Chambers.

**4.3.1 Declaration of Office**

All Members of Council shall take the prescribed declaration of office prior to participating in any Meeting of Council.

**4.3.2 Inaugural Agenda**

The Inaugural Agenda shall be as below, and no other business shall take place at the Inaugural Meeting:

- (a) Call to Order
- (b) Disclosure of Pecuniary Interest
- (c) Declaration of Office
- (d) Presentations
- (e) Comments by Council Members
- (f) Mayor's Inaugural Address
- (g) Adjournment

**4.3.3 Provisions for New Council**

Each Council Member shall be provided with a Township email address for the purposes of Township business pursuant to this By-Law and any other approved procedures and policies.

**4.4 Regular Meetings**

**4.4.1 Meeting Schedule – Council**

- (a) Regular meetings of Council shall be held on the second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Tuesday of each month unless otherwise determined by Council. Meetings shall commence at 6:30 pm.
- (b) If a Regular Meeting date falls on a Public Holiday, Council shall meet on the following day.
- (c) The Clerk shall present the upcoming meeting schedule to Council for approval by December each year.

**4.4.2 Meeting Location- Council**

Regular Council Meetings shall be held in the Township of North Stormont Council Chambers in accordance with the approved regular meeting schedule.

**4.4.3 Meeting Alteration or Cancellation- Council**

(a) The CAO/Clerk, in consultation with Mayor, may alter the date and/or time of a Council Meeting, or cancel any Regular Meeting if it is determined that there is not sufficient business to be conducted, provided that notification has been given within forty-eight (48) hours, calculated in working days, of the meeting in accordance with the notice provisions of paragraph 4.1.1 herein.

(b) The CAO/Clerk, in consultation with the Mayor, may in the case of unforeseen circumstances such as inclement weather or any emergency, re-schedule a Regular Meeting to the next day in accordance with the notice provisions of paragraph 4.1.1 herein.

**4.5 Special Meetings**

**4.5.1 Mayor or Council May Call**

(a) In addition to regularly scheduled Meetings, the Mayor may at any time call a Special Meeting of Council by providing direction to the CAO/Clerk stating the date, time and purpose for the Special Meeting.

(b) A majority of Council Members may at any time petition the CAO/Clerk to call a Special Meeting of Council by providing a written request stating its purpose and recommending a date and time.

(c) The CAO/Clerk shall give all Members notice of a Special Meeting of Council at least forty-eight (48) hours, calculated in working days, before the time appointed for the Special Meeting. Notice may be given by email or by telephone. Such notice shall indicate the nature of the business to be considered, the date, time and location of the meeting.

(d) No other business other than that indicated in the written notice/agenda shall be considered at the Special Meeting.

(e) Unless otherwise specified, Special Meetings shall be held in the Township of North Stormont Council Chambers.

**4.5.2 Emergency Meetings- Requirements**

(a) Notwithstanding any other provisions in this By-Law, the Mayor may call an emergency meeting of Council without giving the forty-eight (48) hours' notice. Upon being advised of the Mayor's intention to hold an Emergency Meeting, the CAO/Clerk shall diligently attempt to advise all Members and any other relevant staff about the Meeting.

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

**4.6 Closed Session Meetings**

**4.6.1 Purpose**

Pursuant to the Act and prior to holding a meeting closed to the public, Council shall pass a resolution stating the purposes (s) of the Closed Session, including the general nature thereof and the qualifying Section of the Act.

**4.6.2 Agenda**

The CAO/Clerk shall prepare an agenda and any supporting documents for presentation at the Closed Session. At all times



these shall be under the control of the CAO/Clerk in a secure and confidential location. No other business shall be considered at the Closed Session.

**4.6.3 Location**

Unless otherwise specified, Closed Session meetings shall be held in the Township of North Stormont Council Chambers.

**4.6.4 Attendees**

A Closed Session is closed to any person not appointed or elected to Council. The Mayor and/or the CAO/Clerk may invite any person deemed appropriate to a specific subject being considered at the Meeting.

**4.6.5 Record**

- (a) Pursuant to the Act, the CAO/Clerk shall record without note or comment all directives, decisions and other proceedings at the Meeting. Votes may be taken for the purposes of giving directions or instructions to staff or others on the subject matter of the meeting only.
- (b) The record of the proceedings at the Closed Session Meeting shall be under the secure and confidential control of the CAO/Clerk at all times. Only Members or others who were in attendance at the Meeting may have access to this record.
- (c) Notes and documents circulated during the Closed Session Meeting shall be collected by the CAO/Clerk and destroyed following the adjournment of the Meeting. Members or others may not keep any notes or documents in their possession after the adjournment of the Meeting.

**4.6.6 Confidentiality**

Members, staff and invited attendees shall keep confidential any information:

- (a) Disclosed or discussed at a Meeting that was closed to the public;
- (b) Received in confidence verbally in preparation of the Closed Session;
- (c) Shall respond to any question(s) when asked on any subject matter discussed at a Closed Session meeting with “No Comment” or words to that effect.
- (d) Shall be obligated to keep information confidential. This obligation continues even after the Member ceases to be a Member of Council.

**4.6.7 Return to Open Meeting**

Pursuant to the Act, following a Meeting which is closed to the public, Council shall pass a resolution stating that the Closed Session has ended, note the time and the Members shall return to the Open Meeting.

**4.7 General Rules of Meetings**

**4.7.1 Rules of Procedure**

All Rules of Procedure outlined in this By-Law shall apply to all Members of Council, All Committees of Council, Special Advisory

Committees, Standing Committees, Ad Hoc Committees and Local Boards.

**4.7.2 Attendance**

- (a) Every Member of Council shall attend all required Meetings.
- (b) A Member is permitted to be absent for twenty (20) consecutive weeks or less, if it is as a result of the Member's pregnancy, the birth of a Member's child or the adoption of a child by a Member.
- (c) The CAO/Clerk or designate shall attend all Regular, Special, Emergency and Closed Session meetings. Department Heads shall attend the first Regular Meeting of the Month and staff shall attend when directed by the CAO/Clerk or designate.

**4.7.3 Dress Code**

All Members shall wear proper business attire during Regular Council Meetings.

**4.7.4 Respect**

No Member shall speak disrespectfully of, nor shall they use offensive language against any Member of Council, Committee Member or Township Staff.

**4.7.5 Debate**

When acknowledged by the Mayor, a Member shall speak only on the subject being debated.

**4.7.6 Criticize a Decision**

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

**4.7.7 Communications Devices**

Members shall not use their cellular phones or other communications devices to engage in communications with third parties during a Meeting.

**4.7.8 Vacating Seat During Meeting**

A Member shall not vacate their seat or the Meeting at any time without advising the Presiding Officer. Such absence, including the length of time, shall be recorded in the Minutes.

**5. COUNCIL VACANCIES**

**5.1 Resignation**

- (a) A Member of Council may resign from office by giving notice in writing filed with the CAO/Clerk.
- (b) If a vacancy occurs, it shall be filled by Council.
- (c) Where a vacancy of a Member of Council occurs, Council shall at a meeting called for that purpose, select the manner in which they wish to fill said vacancy.

**5.2 Vacancy- Mayor**

For filling the vacancy of Mayor, Council may:

- (a) Appoint a person who has consented to accept the office if appointed, or

- (b) Require a by-election to be held in accordance with the *Municipal Elections Act, 1996*, or
- (c) Appoint a Mayor amongst the current Members of Council.

**5.3 Vacancy- Council Member**

For filling the vacancy of a Member of Council, Council may:

- (a) Appoint 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 during the last municipal election to fill the vacancy in the Council, subject to conditions in accordance with the *Municipal Elections Act, 1996*.

**6. MEETING PREPARATION**

**6.1 Agenda**

The CAO/Clerk shall prepare an agenda that will state the order in which the business of the Council meeting shall be conducted.

**6.1.1 Order of Business**

Pursuant to the approved schedule, the order of business on the agenda for Regular Meetings of Council shall be:

1. Call to Order
2. Adoption of the Agenda
3. Disclosure of Pecuniary Interest and Nature thereof
4. Delegations/Presentations
5. Adoption of Minutes of Previous Meetings
6. Adoption of Minutes of Committees and Local Boards
7. Receiving of Monthly Staff Reports and Recommendations
8. Municipal By-Laws
9. Unfinished Business
10. New Business
11. Motions and Notices of Motions
12. Correspondence
13. Scheduling of Meetings
14. Coming Events
15. Closed Session
16. Ratification/Confirming By-Law
17. Adjournment

The Presiding Officer may, with the approval of a majority vote of Council Members, vary the agenda's order of business.

**6.1.2 Regular Meetings**

The CAO/Clerk shall circulate an agenda, including all associated reports and notice of Closed Session to each Council Member and Township staff, for each Regular Meeting five (5) days before the date of the Meeting. The agenda shall be posted on the Township website for public access.

**6.1.3 Special Meetings**

The CAO/Clerk shall circulate an agenda, including all associated reports and notice of Closed Session, to each Council Member and Township staff, for each Special Meeting forty-eight (48) hours in advance of the Special Meeting. The agenda shall be posted on the Township website for public access.

**6.1.4 Copy of Agenda**

Any person may be provided, upon request to the CAO/Clerk, a copy of the agenda, respecting the time frames noted herein. Pursuant to the Township Fees and Charges By-Law, fees may apply.

**6.2 Staff Reports**

All staff reports will be delivered to the Clerk no later than 3:00 p.m. the Wednesday before the Meeting to ensure they are included on the agenda and to ensure timely publication of the agenda.

**6.3 Postponement**

Where further information or reports are necessary for Council to properly review an item of business, the CAO/Clerk may postpone placing an item on the agenda in order to obtain all the necessary information.

**6.4 Inclusion on Agenda**

The CAO/Clerk, in consultation with the Mayor, shall be authorized to determine the appropriate Meeting at which items of business shall be considered, keeping in mind date limitations prescribed in any other Act and in accordance with this By-Law.

**7. CALL TO ORDER**

**7.1 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 special interest.

**7.2 Quorum**

**7.2.1** If there is a quorum after the time set for the start of the Meeting, the Presiding Officer shall call the Meeting to order.

**7.2.2** 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 call the Meeting to order and announce the absence of a quorum and immediately adjourn the Meeting. The CAO/Clerk shall record the names of the Members present and the Meeting shall stand adjourned.

**7.2.3** If, during the course of a Meeting a quorum is lost, the Meeting will stand adjourned, not completed, to reconvene at a time and place as called by the Presiding Officer.

**7.3 Presiding Officer Absent**

**7.3.1** In the case where there is a quorum present but the Mayor has not attended within fifteen (15) minutes after the time set for the Meeting, the Deputy-Mayor shall be the Presiding Officer and has all the powers and duties of the Head of Council solely for the role of Presiding Officer.

**7.3.2** Notwithstanding paragraph 7.3.1 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 shall preside until the arrival of the Mayor or Deputy-Mayor and shall have the powers and duties of the Head of Council solely for the role of Presiding Officer.

**8. DISCLOSURE OF PECUNIARY INTEREST, GENERAL NATURE THEREOF**

**8.1** To determine Pecuniary Interest, a Member of Council may consult with their personal Solicitor and must comply with the *Municipal Conflict of Interest Act*.

**8.2 Disclosure**

Declaration of a Pecuniary Interest and details of the general nature thereof shall be disclosed by a Member of Council before the matter is considered at the Meeting. Such disclosures shall be made publicly, supported by a written statement and shall be recorded by the CAO/Clerk in the minutes. A Member's written statement may be provided electronically.

**8.3 No Discussion**

A Member declaring a Pecuniary Interest regarding an item on the agenda shall not take part in the discussion and vote on the item. The Member shall not attempt to influence the vote before, during or after the Meeting.

**8.4 Closed Session**

A Member declaring a Pecuniary Interest in a Closed Session shall be absent for that portion of the Meeting.

**8.5 Registry of Declarations**

The CAO/Clerk shall note the disclosure of Pecuniary Interest in the Minutes and establish a registry of declarations recorded, which shall be available for public inspection.

**9. DELEGATIONS**

**9.1 Maximum per Meeting, Time Limit**

A maximum of two (2) delegations shall be permitted at any Regular Meeting and shall be heard in the order in which the applications are received. Delegations shall be limited to one appearance on a subject unless they provide additional information. A Delegation shall be permitted a maximum of ten (10) minutes to make their presentation.

**9.2 Written Application Prior to Meeting**

Persons wishing to address Council shall make a written application and deliver it to the CAO/Clerk no later than 3:00 p.m. the Wednesday before the Regular Meeting. Such written application shall contain the subject matter to be discussed, all information to be presented to Council and the name, address and telephone number or email address of the Spokesperson making the presentation. Delegations are limited to the subject matter as provided in the written application.

**9.3 Refusal by CAO/Clerk**

The CAO/Clerk may refuse a Delegation under the following circumstances:

- (a) The written application requesting a Delegation is not submitted within the stated time limits;
- (b) The subject matter is deemed beyond the jurisdiction of Council;
- (c) The issue is specific to a matter properly held in a Closed Session;
- (d) The subject matter/issue has no perceived benefit or relevance for the Township; or
- (e) The subject matter has already been heard by Council at a previous meeting.

**9.4 Spokesperson**

A group taking the same position on a matter is required to select a Spokesperson to present their views collectively. A Delegation shall state their name(s) and make their presentation to the Members. Questions shall be directed to the Spokesperson who shall respond to the best of their ability.

**9.5 Presiding Officer Prerogative**

The Presiding Officer has the prerogative to allow a Delegation on a subject listed on the agenda after publication of the agenda. Council Members may vote to change the order of business on the agenda to hear the Delegation. Anyone wishing to provide information to the Members of Council shall notify the CAO/Clerk no later than the Monday before the Meeting and shall provide a written brief upon making the request which shall be circulated to the Members. If not provided electronically, the Delegation shall provide sufficient hard copies for distribution to the Members.

**9.6 Restriction and Violations**

Delegations shall not:

- (a) Address Members directly without first going through the Chair;
- (b) Interrupt any Member while speaking or any other person addressing Members;
- (c) Speak disrespectfully of any person;
- (d) Use offensive words/language;
- (e) Disobey a decision of the Presiding Officer; and/or
- (f) Enter into cross debate with other Delegations, staff, Members of Council or the Presiding Officer.

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

**9.7 Deferred to Subsequent Meeting**

Council may defer any decision or action on the information/presentation received from a Delegation to a subsequent Meeting of Council.

**10. PRESENTATIONS**

Ceremonial presentations and/or awards shall be made at a Council meeting under Delegations/Presentations in the agenda's order of business. A presentation or award may be given by the Presiding Officer, Township staff, a representative from other agencies or any person/organization invited by Council to make presentations as may from time to time be considered appropriate.

**11. MINUTES**

**11.1 Record of Meeting**

The Minutes of a Meeting of Council shall record:

- (a) The date, place and time of the Meeting;
- (b) The name of the Presiding Officer and the attendance of the Members present at the call to order;
- (c) Arrival and departure of Members after the call to order;
- (d) Declaration of Pecuniary Interest by a Member on a matter or question on the agenda and the general nature thereof;
- (e) All resolutions and by-laws;
- (f) Other proceedings of Council without note or comment; and
- (g) The time of adjournment.

**11.2 Approval of Minutes**

The Minutes of the last Regular Meeting and any other Meeting(s) of Council held since the last Regular Meeting shall be presented for final approval no later than the next Regular scheduled Meeting of Council.

**11.3 Amendments to Minutes**

If a Member disagrees with any item printed in the Minutes, the Member shall state their objection and the reason. The Members shall determine the accuracy of the Minutes and, should a change be required, the CAO/Clerk shall note in the present Minutes both the existing wording and the changes required. The necessary amendments shall be made to the Minutes being adopted. The question put by the Presiding Officer shall be to adopt the applicable Minutes as amended.

**11.4 CAO/Clerk Make Corrections**

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

**11.5 Authentication**

The Presiding Officer and the CAO/Clerk shall authenticate the Minutes with their signatures. Once authenticated, the adopted Minutes shall be posted to the Township's website.

**12. BOARDS AND COMMITTEES**

**12.1 Committee Reports/Minutes**

All Members shall have the opportunity to report on their Committee related activities that have occurred or will be occurring or to report on any issue(s) currently under debate by the Committees of which they are a Member.

**13. ACTION REQUESTS**

13. Actions request, including tenders, quotations or requests for proposals shall be dealt with individually and be in report form signed by the appropriate Department Head and CAO/Clerk. These shall be on the agenda, in a written format complete with a recommendation and draft motion.

**14. BY-LAWS**

**14.1 Numbering**

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

**14.2 Readings**

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

**14.3 Debate**

The debate shall be limited to the subject matter of the By-Law.

**14.4 Passed, Sealed, Deposited**

Every By-Law that has been passed by Council shall immediately after being signed by the Mayor and CAO/Clerk and sealed with the Township's

corporate seal be deposited by the Clerk in a secure location and scanned electronically for deposit on the Township's server.

**14.5 CAO/Clerk Make Corrections**

The CAO/Clerk shall be authorized to make minor corrections to a By-Law resulting from technical or typographical errors provided the intent of the By-Law is not changed and prior to the By-Law being signed.

**15. UNFINISHED BUSINESS**

**15.1** Items set out in the agenda which have not been disposed of shall be included in a subsequent agenda as Unfinished Business.

**16. NEW BUSINESS**

**16.1** A Member may present and introduce any matter of new business at the Meeting under New Business and shall have regard for the following:

- (a) Members are encouraged to raise operational matters prior to the Meeting through the CAO/Clerk; and
- (b) Members are discouraged from raising substantive policy matters.

**16.2** New Business items of an urgent nature may be considered if, in the opinion of the majority of Council, it requires the immediate attention of Council. A staff report may be necessary.

**17. INFORMATION REPORTS**

**17.1** Information Reports may be provided to Council as information items to facilitate further discussion or action at the Meeting or a subsequent Meeting

**18. MOTIONS, RESOLUTIONS AND NOTICE OF MOTION**

**18.1 Notice of Motion**

A Notice 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 under Motion and Notice of Motions.

**18.2 Mover in Attendance**

A Notice of Motion shall not be considered or otherwise disposed of by Council unless the mover of the motion attends the Meeting.

**18.3 Delivery**

Any new Notice of Motion, except motions listed in Rules of Debate, shall be given in writing and delivered to the CAO/Clerk no later than 3:00 p.m. the Wednesday before the Regular Council Meeting and shall be complete and correct. The motion shall be printed in full on the agenda for that Meeting and each succeeding Meeting until the motion is considered or otherwise disposed of.

**18.4 Ultra Vires**

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

**18.5 Voting- Question Stated**

All motions shall be presented to Council in writing and must be formally seconded before the Presiding Officer can put the question forward or a Motion be recorded in the Minutes. Immediately before taking the vote, the Presiding Officer may state the question in the form introduced and



shall do so if required by a Member. The Presiding Officer shall state the question in the precise form in which it will be recorded in the Minutes.

**18.6 No Interruption**

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 declared.

**18.7 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 or standing.

**18.8 Vote by Teleconference**

In the event of an emergency as defined in the Paragraph 4.1.3 (a) herein, Council may proceed to vote on items of an urgent nature by teleconference.

**18.9 Recorded Vote**

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

**18.10 Abstain from Voting**

If any Member, when a question is put forth, abstains from voting, it shall be deemed as voting against the motion for the purposes of counting number of votes, but the minutes shall indicate that the Member did not vote.

**18.11 Disagree with Vote Announcement**

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

**18.12 No Secret Ballot**

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

**19. CLOSED SESSION**

**19.1** The Closed Session portion of the Council Meeting shall be held in accordance with Section 239 of the Act.

**19.2** Pursuant to the policies adopted by Council for the Integrity Commissioner, if an investigation of a Closed Session Meeting is completed, the investigator's report shall be considered by Council and a resolution shall be passed to address recommendations resulting from the investigation.

**20. RATIFICATION/CONFIRMATION BY-LAW**

**20.1** A By-Law to confirm the proceedings and reports of Council at its Meetings 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.

## **21. ADJOURNMENT**

### **21.1 Presiding Officer Request**

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

### **21.2 Adjournment**

All Meetings of Council shall stand adjourned when Council has completed all of the business as listed on the Agenda.

## **22. CORRESPONDENCE, OTHER COMMUNICATIONS**

### **22.1 Correspondence**

- (a) All correspondence addressed to Members of Council shall be considered public information except as prohibited by law.
- (b) All correspondence addressed to Members of Council shall be legible and signed by the author. Correspondence that does not include a signature (s) or that includes any illegible or defamatory allegations or derogatory remarks shall not be included as correspondence or responded to.
- (c) Where correspondence is not requested to be included on a Meeting Agenda, it shall be circulated by the CAO/Clerk or designate to Members, Department Heads and applicable staff for their information and shall form part of the Township records.
- (d) Where correspondence has been requested to be included on a Meeting agenda or at the request of a Member to the CAO/Clerk, correspondence is placed on the agenda for consideration. In accordance with Paragraph 16 herein, and where required due to urgency, correspondence may be considered directly by Members as a New Business Item.
- (e) Council's receipt of correspondence does not constitute endorsement of its contents, nor any recommendations or actions advocated therein.

### **22.2 Petitions**

- (a) All petitions presented to Council shall be filed with the CAO/Clerk.
- (b) Any person wishing to present a petition shall submit all of the complete and correct documentation and deliver to the Clerk no later than 3:00 p.m. the Wednesday before the Regular Council Meeting, or as otherwise provided in the notice of Meeting. If the petition is of a time sensitive matter, the CAO/Clerk may bring the petition forward to Council for consideration prior to the stated time limits.
- (c) All petitions presented to Council shall be legible and not contain any defamatory allegations or impertinent matter(s) and shall contain the following:
  - i) The petition text must appear at the top of every signature page;
  - ii) Each person petitioning must sign and print their names and include a mailing address;
  - iii) A petition must be signed as a minimum by two (2) persons;
  - iv) Petitioners must be residents of the Township of North Stormont.

### **22.3 Resolutions from Other Municipalities**

All resolution requests for support and endorsement from other municipalities will be added to the next Regular Meeting Agenda. A

Council Member of Staff may request Council's consideration to support the resolution as received from other municipalities and if endorsed, the CAO/Clerk shall advise the appropriate organization/agency and/or the Minister/Government leader responsible for the matter being endorsed.

### **23. RECONSIDERATION**

#### **23.1 Motion Required**

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:

- (a) 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;
- (b) Such motion must be moved by a Member who voted against the original motion;
- (c) Such motion must be supported by a majority vote of Council Members before the matter to be reconsidered can be debated; and
- (d) A vote to reconsider shall not be considered more than once in any twelve (12) month period.

#### **23.2 Debate on Question**

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

#### **23.3 Motion Lost**

A motion for reconsideration shall be considered lost unless the motion receives a majority vote of the Members present and no more than one (1) motion for reconsideration of any question shall be permitted.

#### **23.4 Motion Carried**

If a motion for reconsideration has been carried, 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.

#### **23.5 Next Council Meeting**

If a motion for reconsideration is carried, the subject matter of the question or By-Law shall be reconsidered at the next Council Meeting. 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 Motion Amendment.

#### **23.6 Same Council Meeting**

No motion passed or debated at a Meeting shall be reconsidered at the same Meeting without the consent of a majority of the Members present.

#### **23.7 Decision of Previous Council**

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

### **24. RULES OF DEBATE**

#### **24.1 Speaking in Turn**

Every Member, prior to speaking to any question or motion, shall raise their hand and address the Presiding Officer. When two or more Members raise their hands, the Presiding Officer shall designate the Member who has the floor. No Member shall speak more than three (3)

minutes on the question or motion. When a Member is speaking, no other Member shall pass between them and the Presiding Officer or interrupt them except to raise a Point of Order.

**24.2 Voting**

Every Member present, when the question is put, shall vote thereon unless prohibited by statute. When the Presiding Officer calls for the vote, each Member shall occupy their seat and shall remain in place until the result of the vote has been declared by the Presiding Officer. At this time, no Member shall walk across the room to speak to any Members or make any noise or disturbance.

**24.3 Restating the Motion**

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

**25. POINTS OF ORDER**

**25.1 Raise Point of Order**

A Member may interrupt the person who has the floor to raise a Point of Order when such Member feels that there has been:

- (a) A deviation or departure from this Procedural By-Law; or
- (b) A deviation from the matter under consideration and the current discussion is not within the scope of the proposed motion.

**25.2 Presiding Officer- Debate**

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

**25.3 Presiding Officer Rule**

Upon hearing such Point of Order, the Presiding Officer decides and states their ruling on the matter. Upon hearing the Point of Order ruling, the Member only addresses the Presiding Officer for the purpose of appealing the decision to Council or Committee. If no Member appeals, the decision of the Presiding Officer is final.

**26. POINTS OF PERSONAL PRIVILEGE**

**26.1 Members to Raise**

A Member may rise at any time on a Point of Personal Privilege where such Member feels that the health, safety, rights or integrity of their own person, the Council, a Committee Member, staff or anyone present at the Meeting has been called into question by another Member or by anyone present at the Meeting.

**26.2 Presiding Officer Rule**

Upon hearing such Point of Privilege, the Presiding Officer decides and states their ruling on the matter.

**26.3 Breach**

Where the Presiding Officer rules that a breach of privilege has taken place, the offending Member or person will be asked to vacate the Meeting room for the duration of the Meeting.

## **27. MOTIONS**

### **27.1 Main Motion**

A Main Motion is a motion to consider any subject that is brought before Council for its consideration. Main motions yield to Privileged and/or Secondary motions.

### **27.2 Secondary Motion**

A Secondary Motion is a motion which affects the disposition of a Main Motion. Secondary motions take precedence over main motions and must be decided before the main motion can be acted upon. Examples include motions to refer, amend or defer to a certain day.

### **27.3 Privileged Motion**

A Privileged Motion, due to its importance, takes precedence over all other questions and is not debatable. Examples include motions to adjourn and questions relating to the rights and privileges of Council and its Members.

### **27.4 Order of Consideration**

When a motion is under consideration, no motion shall be received except a procedural motion or a motion to amend.

### **27.5 Procedural Motion**

A Procedural Motion shall be considered immediately upon receipt and is subject to debate as follows:

- (a) To adjourn;
- (b) To refer; or
- (c) To defer to a certain day.

### **27.6 Motion to Refer/Defer**

The purpose of a Motion to refer is to refer a question to a Special Advisory, Standing or Ad Hoc Committee or to the CAO/Clerk. A motion to refer:

- (a) Shall receive disposition of Council before the vote of the Main Motion;
- (b) Shall state the Committee or appointed officer to whom the matter shall be referred; and
- (c) Shall preclude all amendments of the main question until it is decided.

The purpose of a Motion to Defer is to have a matter postponed or deferred to a definite date.

### **27.7 Motion to Amend**

The purpose of a Motion to Amend is to add or insert, to strike out or to amend certain words or phrases. A motion to amend:

- (a) Shall be relevant and not contrary to the principle of the motion under consideration; or
- (b) May propose a separate and distinct disposition of a motion provided that such altered disposition continues to relate to the main issue and subject matter of the motion; and
- (c) Shall be voted on before the Main Motion.

### **27.8 Order of Amendments**

Amendments to a motion shall be voted on in the reverse order to their introduction. An amendment to the amendment must be disposed of before the amendment, and the amendment must be voted on before the Main Motion.

**28. CONDUCT OF MEMBERS OF COUNCIL**

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

**28.2 No Member shall:**

- (a) Use offensive words or unparliamentary language in or against Council or any Member;
- (b) Speak on any subject other than the subject in debate;
- (c) Criticize any decision of Council except for the purpose of moving that a question be reconsidered; or
- (d) Disobey the rules of Council or a decision of the Presiding Officer or of Council on questions of order, practice or upon the interpretation of the rules of Council.

**28.3 Members shall** come prepared to every Meeting by having read all of the material supplied including agendas and staff reports to facilitate the discussion and the determination of action at the Meeting. Whenever possible, the Members shall make inquiries to the CAO/Clerk regarding materials supplied in advance of the meeting. Members do not have the authority to direct or interfere with the performance of any work by staff, all inquiries shall be directed through the CAO/Clerk.

**28.4 Disobedience**

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 their seat for the duration of the Council Meeting, but if the Member apologizes they may, by vote of Council, be permitted to retake their seat.

**28.5 Approach Council Area**

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

**28.6 Disturbance**

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

**28.7 Code of Conduct**

Council Members shall adhere to the Code of Conduct Policy as established by Council.

**28.8 Integrity Commissioner**

Pursuant to the established By-Law, the appointed Integrity Commissioner will report to Council and is responsible for performing in an independent manner the functions as assigned by the Township with respect to:

- (a) The application of the Code of Conduct for Members of Council and Members of Committees and Local Boards; and
- (b) The application of any procedures, rules and policies of the Township, Local Boards and Committees governing the ethical behaviour of the Members.

**29. SUSPENSION OF RULES**

**29.1** In rare occasions, Council may suspend the rules of this Procedural By-Law with a majority vote of Council Members present. In no circumstances may Council suspend any statutory procedures from the Act or any applicable legislation.

**30. AMENDMENT OF BY-LAW**

**30.1 Repeal**

No repeal of this By-Law shall be considered at any Meeting of Council unless proper notice of Council's intention of the proposed repeal has been provided.

**30.2 Amendments to By-Law**

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

**31. SEVERABILITY**

**31.1** 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.

**31.2** 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.

**32. REPEAL**

**32.1** By-Law No. 38-2015 is hereby repealed in its entirety, and any other by-law inconsistent with this By-Law is hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME, PASSED, SIGNED AND SEALED IN OPEN COUNCIL THIS 23<sup>rd</sup> DAY OF JUNE 2020.**

\_\_\_\_\_  
Jim Wert, Mayor

\_\_\_\_\_  
Craig Calder, CAO/Clerk

SEAL