

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW No. 2008-03

BEING a by-law to govern the proceedings, conduct of members and calling of meetings of Council and Committees.

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

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

AND WHEREAS the *Municipal Act, 2001*, c. 25, S. 238 (2) requires every municipality and local board to pass a procedural by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS notice of the passing of the Township of South Stormont Procedural By-law was advertised in a local newspaper of general circulation to the ratepayers of the Township of South Stormont;

AND WHEREAS Council of the Corporation of the Township of South Stormont deems it necessary to set rules and regulations with regards to Council proceedings.

1. DEFINITIONS

1. "Acting Head of Council" shall mean the Deputy Mayor and secondly another designate who shall act as the presiding officer in the absence of the Mayor or Deputy Mayor.
2. "Chair" shall mean the Mayor or presiding officer of the meeting.
3. "Clerk" shall mean the Clerk of the Corporation of the Township of South Stormont.
4. "Closed Session" shall mean a meeting closed to the public as defined in subsection 5.1 of this by-law.
5. "Committee" shall mean members that may include Council member(s) appointed at large by Council, for Committees of Council as established by by-law.
6. "Conflict of Interest" shall mean a pecuniary interest as defined in the *Municipal Conflict of Interest Act*.
7. "Council" shall mean the Council of The Corporation of the Township of South Stormont.
8. "Head of Council" shall mean the Mayor.
9. "Meeting" shall mean any regular, special, or committee or other meeting of Council.
10. "Member" shall mean a member of Council or of a Committee of Council and includes the Head of Council or Chairperson.
11. "Quorum" shall mean a majority (more than half) of the whole number of members of Council or a Committee except where a member has, or members have, declared a pecuniary interest pursuant to the *Municipal Conflict of Interest Act*, the quorum may be less than half plus one of the whole number of members but shall not be less than two.

2. GENERAL INTENT OF THE BY-LAW

- 2.1 The rules and regulations contained in this By-law shall govern the proceedings of Council and its Committees and shall be the rules and regulations for the order and business thereof. Any part or parts may be suspended if agreed upon by a majority of the Members present unless the part or parts is prescribed by statute or law.
- 2.2 All points of order or procedures not provided for in this by-law shall be decided in accordance with Robert's Rules of Order and the Mayor shall submit the ruling without debate.

3.0 COUNCIL MEETINGS ~ LOCATION, TIME AND NOTICE

- 3.1 Meetings of Council shall be held at Council Chambers or other designated location.
- 3.2 The first Inaugural Meeting of Council shall take place at 7:00 p.m. on the first Wednesday of December following the municipal election.
- 3.3 Council shall have regular meetings on the second Wednesday and fourth Wednesday of each month at 7:00 p.m.
- 3.4 Council may have special meetings, as required, on the first Monday of each month at 4:00 p.m., save and except statutory holidays when Council may meet at the same hour on the following Monday.
- 3.5 Notice of Council meetings and Committee meetings shall be given by publication of future meetings by posting of meeting agendas on the Township website or by publication of Council and Committee agendas in a local newspaper having a general circulation in the area. In the case of special meetings, notice shall be given by posting the agenda on the Township website as soon as is practicable after notice of the Special Meeting has been given and any other notification that is permitted within the timeframe.
- 3.6 Council may, by resolution, alter the date, place and/or time of a regular meeting provided that the notice provisions established in subsection 3.5 are met.

4.0 SPECIAL MEETINGS OF COUNCIL

- 4.1 The Head of Council may at any time summon a special meeting of Council or, upon receipt of the petition of the majority of the Members of Council, the Clerk shall summon a special meeting for the purpose and at the time and place mentioned in the petition.
- 4.2 Special meetings shall be held not sooner than 48 hours following the Head's summons or receipt of the petition as the case may be, and the Clerk shall provide written notice of the special meeting and specify the purpose for the meeting forthwith, following receipt of the summons or petition.
- 4.3 Notwithstanding the notice requirement set out above, in the event of a bonafide emergency the meeting may be held as soon as practicable following receipt of the summons or petition, as the case may be, and as determined by the Clerk.

5.0 MEETINGS OF COUNCIL

5.1 All meetings of Council and Committees shall be open to the public, except when a Closed Meeting, or part thereof, is required if the subject matter being considered is:

- i) the security of the property of the Municipality or local board;
- ii) personal matters about an identifiable individual, including Municipal or local board employees;
- iii) a proposed or pending acquisition or disposition of land by the Municipality or Local Board;
- iv) labour relations or employee negotiations;
- v) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- vi) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- vii) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- viii) if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*.
- ix) the educating or training of Council or a Committee or a Local Board and at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council, Committee or Local Board.

5.2 Before all or part of a meeting is closed to the public Council shall state by resolution:

- (i) the fact of the holding of the closed meeting; and
- (ii) the general nature of the matter considered at the closed meeting.

5.3 A meeting shall not be closed to the public during the taking of a vote.

5.4 The Mayor shall preside at all meetings of Council. However, subject to the provisions of the *Municipal Act*, in case the Head of Council does not attend within fifteen (15) minutes after the time appointed for a meeting of Council, the Deputy Mayor shall preside until the arrival of the Head of Council and shall have all the powers of the Head of Council for the purpose of chairing a meeting in the absence of the Head of Council.

5.5 Notwithstanding Section 5.4 above, in the absence of both the Mayor and the Deputy Mayor, an Acting Head of Council shall be appointed from among the Members present and he/she shall preside until the arrival of the Head of Council or Deputy Mayor and shall have all the powers of the Head of Council for the purpose of chairing a meeting in the absence of the Head of Council.

5.6 If no quorum is present one-half hour after the time appointed for a meeting of Council, the Clerk shall record the names of the Members present and the meeting shall stand adjourned until the date of the next regular meeting.

5.7 Unless otherwise ordered by resolution passed by a majority of the Members present, Council shall be recessed at 10:00 p.m. Any extension to the time for adjournment shall be determined by a majority vote of the Members present.

6.0 COMMITTEES OF COUNCIL

6.1 The Mayor shall, ex officio, be a member of all committees and be entitled to vote at all meetings thereof. All Members of Council may attend the meetings of standing or special committees and may, with the consent of the committee, take part in the discussion, but shall not be entitled to vote.

6.2 The general duties of the standing and special committees shall be:

- (a) To report to Council from time to time, as often as the interests of the Municipality may require, all matters connected with the duties imposed on them respectively and to recommend such action by Council in relation thereto as may be deemed necessary and expedient.
- (b) To consider and report upon all matters referred to them by Council.
- (c) To adhere strictly in the transaction of all business to the rules prescribed by the By-laws of Council.

7.0 ROLE OF THE MAYOR

7.1 It is the role of the Mayor as the Head of Council:

- (a) to Act as Chief Executive Officer of the municipality;
- (b) to preside over Council meetings so that its business can be carried out efficiently and effectively;
- (c) to provide leadership to Council;
- (d) to represent the municipality at official functions;
- (e) to carry out the duties of the Head of Council under any Act; and
- (f) to provide overall leadership to the Community Control Group in responding to an emergency as detailed in the Emergency Response Plan for the Township of South Stormont.

7.2 As Chief Executive Officer of the Township, the Head of Council shall:

- (a) uphold and promote the purposes of the municipality;
- (b) promote public involvement in the Township's activities;
- (c) act as the representative of the Township both within and outside the municipality and promote the Township locally, nationally and internationally; and
- (d) participate in and foster activities that enhance the economic, social and environmental well being of the Township and its residents.

8.0 ROLE OF COUNCIL

8.1 It is the role of Council:

- (a) to represent the public and consider the well being and interests of the Township;
- (b) to develop and evaluate the policies and programs of the Township;
- (c) to determine which services the Township provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- (e) to ensure the accountability and transparency of the operations of the Township, including the activities of the senior management of the Township;
- (f) to maintain the financial integrity of the Township; and
- (g) to carry out the duties of Council under any Act.

9.0 THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL

9.1 It shall be the duty of the Head of Council or presiding officer;

- (a) to open the meeting of Council by taking the chair and calling the Members to order.
- (b) to announce the business before Council in the order that it is to be acted upon.
- (c) to receive and submit, in the proper manner, all motions presented by the Members of Council.
- (d) to put to vote all questions that is regularly moved and seconded, or necessarily arises in the course of proceedings, and to announce the result.
- (e) to decline to put to vote motions which infringe the rules of procedure.
- (f) to restrain the Members, within the rules of order, when engaged in debate.
- (g) to enforce on all occasions the observance of order and decorum among the Members.
- (h) to call by name any Member persisting in breach of the rules or order of Council thereby ordering the member to vacate Council Chambers.
- (i) to receive all messages and other communications and announce them to Council.
- (j) to authenticate, by his/her signature when necessary, all by-laws, resolutions, and minutes of Council.
- (k) to inform Council, when necessary or when referred to for the purpose, on a point of order or usage.

- (l) to represent and support Council, declaring its will, and implicitly obeying its decisions in all things.
- (m) to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of Council.
- (n) to adjourn the meeting when the business is concluded.
- (o) to adjourn the meeting without question in the case of grave disorder arising in Council Chambers.
- (p) to order any individual or group in attendance at the meeting to cease and desist any behaviour that disrupts the order and decorum of the meeting and to order an individual or group to vacate Council Chambers where such behaviour persists.
- (q) to require all individuals or members of the media to disclose the use of any recording devices prior to the start of any open Meeting.

9.2 CONDUCT OF MEMBERS OF COUNCIL AND GUESTS

- (a) A Council Member who desires to speak on any motion before Council shall upon recognition, respectfully address the Chair. Discussions shall be confined to the subject matter and shall avoid all offensive personalities.
- (b) No Member shall:
 - (i) use offensive words of un-parliamentary language in or against Council or against any Member, staff or guest;
 - (ii) disturb another, or Council, staff or guests, by any disorderly conduct disconcerting to the speaker or the assembly;
 - (iii) speak on any subject other than the subject in debate;
 - (iv) criticize any decision of Council except for the purpose of moving that the motion be reconsidered;
 - (v) disobey the rules of Council or a decision of the presiding officer or of Council on motions of order or practise or upon the interpretation of the rules of Council;
 - (vi) leave a meeting without first obtaining permission from the Head of Council or presiding officer;
 - (vii) be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of Council, until the next meeting and without making an apology to Council; or
 - (viii) interrupt the member who has the floor except to raise a point of order.
- (c) No individual, except Members of Council, shall be allowed to approach Council without the permission of the Chair or Council upon reference.
- (d) When the Chair is putting the motion no member shall leave or make a disturbance.

10.0 AGENDA

10.1 The Clerk shall have prepared and printed for the use of the Members at the regular meetings of Council an agenda as follows:

First Regular Meeting

- (a) Call to Order / Opening Remarks
- (b) The Lord's Prayer
- (c) Confirmation of Agenda
- (d) Declaration of Conflict of Interest
- (e) Approval of Minutes
- (f) Committee / Departmental Reports
- (g) Motions
- (h) Discussion
- (i) By-laws
- (j) New Business
- (k) Closed Session
- (l) Adjournment

Second Regular Meeting

- (a) Call to Order / Opening Remarks
- (b) The Lord's Prayer
- (c) Confirmation of Agenda
- (d) Declaration of Conflict of Interest
- (e) Petitions and Delegations
- (f) Correspondence
- (g) Motions
- (h) Discussion ~ Upper Tier Update
- (i) By-laws
- (j) New Business
- (k) Closed Session
- (l) Adjournment

10.2 The business of Council shall in all cases be taken up in the order in which it stands upon the agenda unless otherwise decided by Council.

10.3 Insofar as is practicable, Council agendas along with supporting material shall be prepared and made available to Members on the Friday prior to a regular meeting.

10.4 Written reports of municipal officers shall, insofar as is practicable, be made available for review by 12:00 noon, on the Thursday prior to a regular meeting.

11.0. MINUTES

11.1 The minutes of Council as taken by the Clerk, or designate, shall consist of a record of all proceedings taken in the Council Meeting. Pursuant to the *Municipal Act, 2001*, the minutes shall be a factual recount without note of comment and shall record as follows:

- i) the place, date and time of meeting;
- ii) the name of the Chair and the Members in attendance;
- iii) the approval of the presenting, reading if requested, correction and adoption of the minutes of prior meetings; and
- iv) all other proceedings of the meeting without note or comment, however, shall be readable and informative.

11.2 The minutes shall record the subject matter of petitions, agenda confirmed and written reports.

11.3 The minutes shall be posted in accordance with the established policies and as approved by Council.

12.0 PETITIONS AND COMMUNICATIONS FROM THE PUBLIC

Every communication, including a petition designed to be presented to Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk in accordance with the established policies of the Corporation and as approved by Council.

13.0 DELEGATIONS

13.1 An individual desiring to present information verbally to Council shall give written notice outlining concerns and/or requests to the Clerk by the Thursday prior to the second regular meeting.

13.2 The Clerk may make a determination as to the deferral of delegations to a subsequent meeting. Delegations shall be limited in speaking to not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes.

13.3 Delegations shall be scheduled on the second regular monthly meeting of Council. In any month that only one regular meeting of Council will occur, the Mayor and the Clerk shall determine if the delegation shall be scheduled for that meeting or be referred to the first or second regular meeting of Council in the month following.

13.4 The Clerk, or designate may direct that a delegation be received by a Committee for consideration and recommendation to Council on a particular matter rather than addressing Council directly.

14.0 READING OF BY-LAWS AND PROCEEDINGS THEREON

- 14.1 No by-law shall be presented to Council unless the subject matter has been considered and approved by Council.
- 14.2 Every by-law shall be introduced upon motion by a Member of Council, specifying the title of the by-law.
- 14.3 Every by-law, when introduced, shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provision of any act and shall be complete with the number and date thereof.
- 14.4 Every proposed by-law may receive three readings or a combination thereof, on the same day unless otherwise required by other legislation.
- 14.5 The first and second reading of a by-law shall be decided without amendment or debate.
- 14.6 If Council so determines, a by-law may be taken as read.
- 14.7 The Clerk shall set out on all by-laws enacted by Council, the date of the several readings thereof.
- 14.8 Every by-law enacted by Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Chair and shall be deposited by the Clerk in his/her office for safekeeping.
- 14.9 Any proposed by-law may be referred to a Committee, Department Manager, or other officer for review, comment, including the solicitor for the Corporation.

15.0 MOTIONS

- 15.1 The actions and decisions of Council shall be presented and decided by way of motions or resolutions, duly introduced, seconded, debated and voted upon.
- 15.2 All motions must be formally seconded before they can be considered or be recorded in the minutes.
- 15.3 When a motion is presented to Council in writing, it shall be read, or if it is a motion that may be presented orally, it shall be stated by the Chair before debate.
- 15.4 Immediately preceding the taking of the vote, the Chair may state the question in the form introduced and shall do so if required by a Member except when a motion for the previous question has been resolved in the affirmative. He/she shall state the question in the precise form that it will be recorded in the minutes.

15.5 NOTICE OF MOTION

- i) Any Member who wishes to introduce a motion pertaining to a matter not included on the agenda (other than a routine matter) must do so by a notice of motion.

- ii) Notice of motion may be introduced by any one (1) Member verbally at a regular meeting of Council for consideration at a subsequent meeting or may be given in writing to the Clerk by 12:00 noon on the Thursday preceding the regular Council meeting for inclusion on the agenda or considered for a subsequent meeting.
- iii) Notwithstanding the above, a written notice of motion to reopen a matter may be dealt with at the same meeting at which notice is first given if it pertains to a matter included in the agenda.
- iv) The following matters and motions may be introduced orally without written notice and without leave except as otherwise provided by these rules:
 - (a) a point of order or Member privilege;
 - (b) to lay on the table (to defer temporarily);
 - (c) to postpone indefinitely or to a specific day; or
 - (d) to move the previous question (immediate vote on the main motion).
- v) The following motions may be introduced without notice and without leave but such motions shall be in writing and signed:
 - (a) to refer;
 - (b) to adjourn;
 - (c) to amend; or
 - (d) to suspend the rules of procedure.

15.6 NO INTERRUPTION AFTER QUESTION

After a question is finally put by the Chair, no Member shall speak to the question nor shall any other motion be made until the vote is taken and the result has been declared.

15.7 VOTING

- i) The Head of Council, except where he/she is disqualified to vote by reason of interest or otherwise, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negative.
- ii) Every other member of Council shall be present in Council Chambers when a question is put and shall vote thereon unless he/she is disqualified to vote on the question.
- iii) If a member disagrees with the announcement of the results of the vote by the Chair, he/she may object immediately to the declaration and require that the members be polled individually.

- iv) Voting shall be done by a show of hands unless there has been a request for a recorded vote or unless a recorded vote is required by the *Municipal Act, 2001*. Where a vote is taken for any purpose, a member may request immediately prior or immediately subsequent to the taking of the vote, that the vote be recorded. The Clerk shall request and record from each Member present, except a Member disqualified from voting by any Act, to announce their vote openly as follows: Councillor in alphabetical order, Deputy Mayor and then the Mayor. On any vote, any Member except a Member disqualified from voting under any Act, who does not vote in favour or in opposition, shall be deemed to have voted in the negative.
- (v) No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.
- (vi) Pursuant to the *Municipal Conflict of Interest Act*, a Member of Council having a conflict of interest on a matter to be reviewed by Council shall declare such interest as soon as practicable after the commencement of the meeting or, if absent when such matter is discussed, shall declare his interest at the first meeting attended by him/her after acquiring such interest. Such declaration of interest, and the reason therefore, shall be made publicly and shall be recorded in the minutes by the Clerk.
- (vii) Except where expressly provided in Statute any question that there is an equality of votes shall be deemed to be defeated.

15.8 RECONSIDERATION

- (a) A substantive resolution, by-law or any question or matter that has previously been adopted by Council may be reconsidered by Council subject to the following:
 - (i) a notice of motion, moved by a Member on the prevailing side, must be introduced according to the procedures for notice of motion;
 - (ii) such motion must be supported by a majority vote of the members of the whole Council before the matter to be reconsidered can be debated; and
 - (iii) a vote to reconsider shall not be considered more than once in any twelve month period.
- (b) These rules do not apply when a motion pertains to a decision of a previous Council.

15.9 MOTION AMENDMENT

A motion to Amend shall:

- (a) be presenting in writing;
- (b) be dealt with by Council before a previous amendment of the main motion;
- (c) not be further amended more than once provided that further amendment may be made to the main motion;

- (d) be relevant to the main motion; and
- (e) not propose a direct negative to the main motion.

15.10 Except as provided in paragraph 15.5 (iv) all motions shall be in writing and signed by the mover, and seconded.

15.11 Once read or stated by the Chair or presiding officer, a motion may not be withdrawn without the consent of the majority of the members.

15.12 Members shall not speak more than once to the same questions without the consent of the Chair or presiding officer.

16.0 RULES OF DEBATE

16.1 Every Member prior to speaking, shall be recognized by the Chair. Every Member present at a meeting of Council when a question is put, shall vote thereon unless prohibited by statute.

16.2 When the Chair calls for the vote on a question, each Member shall occupy his/her seat and shall remain in his/her place until the result of the vote has been declared by the Chair, and during such time no Member shall speak to any other Member or make any noise or disturbance.

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

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

16.5 Unless otherwise authorized by the Head of Council, all Members, staff and guests shall address Council through the Chair and only when recognized, do so.

16.6 When two or more Members seek to address Council, the Head of Council shall designate the Member who may speak first.

17.0 POINTS OF ORDER AND PRIVILEGES

17.1 The Chair shall preserve order and decide questions of order.

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

18.0 AMENDMENT

No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of Council unless notice of proposed amendment or repeal has been given at a previous regular meeting of Council. Further, the waiving of this notice by Council is prohibited.

19.0 RESCIND

That all previous By-laws not in conformity with this By-law be and are hereby rescinded.

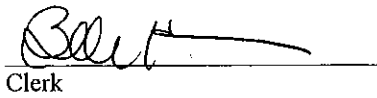
20.0 EFFECTIVE DATE

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

READ and passed in open Council, signed and sealed this 9th day of January, 2008.



Mayor



Clerk