



Council Procedural By-Law XX-2022

**Enacted July 20, 2022
By-Law 2020-60 Repealed July 20, 2022**

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By-Law No. **XX**-2022, Replacing By-law No. 2020-60

Being a By-Law to Establish Rules Governing the Order and Proceedings of Northumberland County Council (Council Procedural By-Law)

Whereas Section 238 (2), of the *Municipal Act*, 2001, R.S.O., c. 25 as amended, requires that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

Now Therefore Be It Enacted That the Council of the Corporation of the County of Northumberland enacts as follows:

1.0 Definitions

In this By-law

"Acting Warden" means the most recent Past Warden who is neither the current Warden nor the current Deputy Warden, and who is a member of Council. If none, it shall mean the Councillor with the longest continuous service.

"Ad Hoc Committee" means a committee that: has a specific mandate, has a specific term (which cannot exceed the term of Council), has a Terms of Reference, has a Chair who is either a Council Member or a member of the public (as identified in the Terms of Reference), reports to a Standing Committee following every meeting, does not exercise decision-making powers or commit expenditures except those delegated by Council, does not direct staff to undertake activities that are not specified in its mandate (without Council's authority), is supported by staff specified by Council. Every Ad Hoc Committee shall submit a Findings Report at the conclusion of its mandate.

"Advisory Committee" means a committee that has a specific mandate, has a Terms of Reference, reports to a Standing Committee, does not exercise decision-making powers or commit expenditures except those delegated by Council, does not direct staff to undertake activities that are not specified in its mandate (without Council's authority), and is supported by staff.

"Agenda" means the written Order of Business.

"Alternate Member" means a member of a local Council who is appointed by that Council pursuant to Section 268 of the *Municipal Act*, 2001 to attend

meetings of the County of Northumberland Council when the Mayor of the Local Council is unable to attend.

“By-Law” means the legislative intent behind the requirement: that powers of Council be exercised by by-law is to ensure due deliberation by councils of all important policy matters through the more formal procedure prescribed for the enactment of a by-law.

“Acting Chair” means the temporary position in the absence of the Chair, for a specified time period or procedural matter.

“Chief Administrative Officer” means the Chief Administrative Officer (CAO) or designate duly appointed by the Council of the Corporation of the County of Northumberland as prescribed in Section 229 of the *Municipal Act, 2001*, as amended.

“Clerk” means the person or designate duly appointed by the Council of the Corporation of the County of Northumberland as prescribed in Section 228 of the *Municipal Act, 2001*, as amended.

“Close Debate (Call the Question)” means a motion requiring that debate be closed and the vote on the motion be taken immediately.

“Closed Session (In-Camera)” means a meeting or part of a meeting closed to the public as prescribed in Section 239 of the *Municipal Act, 2001*, as amended.

“Committee” means a statutory committee, a standing committee, an ad hoc Committee or a sub-committee. All ad hoc and sub-committees will terminate at the conclusion of their mandate, or, at the end of Council term in which they were appointed, whichever is earlier.

“Confirming By-law” means by-law passed for the purpose of giving general effect to a previous decision or proceeding of the Council.

“Correspondence (Communication)” means any written or digital communication in the form of a letter, media release, bulletin, postcard, greeting card or email addressed to Council that directly relates to County services or a matter of shared interest to the Northumberland County Community or Member Municipalities.

“Council” means the Council of the County of Northumberland duly elected.

“Council Chair” means the Warden or Presiding Officer.

“County” means the Corporation of the County of Northumberland.

“Debate” means discussion on the merits of the question/motion and whether the proposed action should or should not be taken.

“Delegation” means a person or group of persons who are not Members of Council who have requested and are permitted to address a Standing Committee or Council individually or on behalf of a group, on a matter on the agenda for that meeting in accordance with the provisions of this By-Law.

“Deputy Warden” means the Member of Council duly elected or appointed by the Council of the Corporation of the County of Northumberland annually, at the December Council meeting, for a one-year period, and by virtue of their office acts as Head of Council and Presiding Officer will all of the duties as set out and as identified within Section 225 of the *Municipal Act, 2001*, and as per Sections 23.1 and 242.

“Electronic Participation” means participation in a meeting by telephone, video or audio conferencing, or other interactive methods whereby meeting participants can hear and be heard by all participants.

“Emergency” means a time sensitive matter which if not dealt with may have serious ramifications, including but not limited to, the inability to address or influence the matter at a later date.

“Hybrid Meeting” means a meeting that is held in a physical location with an added virtual component. This meeting format enables participants to attend a meeting in-person, or virtually from their remote location using a device that is supported by an internet connection.

“Head of Council” see the definition for Warden.

“Inaugural Meeting” means the Council’s first meeting after a regular election, Section 230 of the *Municipal Act, 2001*, as amended.

“Main Motion” means a motion whose introduction brings business before Council or a Standing Committee.

“Majority Vote” means a vote where over half of the Members present, and eligible to vote, vote in the same manner.

“(Media)” means news industry of the mass media that focus on delivering news to the general public through print media (newspapers, news magazines), broadcast news (radio and television) and the Internet (online newspapers).

“Meeting” means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,

- i. a quorum of members is present, and
- ii. members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

“Member” means a member of the Council or a voting member of a Standing Committee or Sub-Committee,, and includes the Warden and Deputy Warden.

“Minutes (Record of Meeting)” means a record without note or comment, and includes all resolutions, decisions and other proceedings of the Council.

“Motion” means a recommendation to resolve and effect a decision.

“Motion to Defer” means a motion to dispose of a matter or motion, with or without any proposed amendment, by delaying consideration thereof:

- i. indefinitely;
- ii. until or within some specified time or time period;
- iii. until the happening of a specified event; or
- iv. until the receipt of one or more reports or communications.

“Motion to Receive” means a motion to acknowledge the particular item, report or recommendation under consideration and to have it placed in the records of the Council with no additional action being taken.

“Motion to Refer” means a motion to dispose of a question under consideration, with or without any proposed amendment, in order to seek consideration by, and, if deemed desirable, one or more reports from any designated body or official.

“Notice of Motion” means a written motion received by the Clerk, moved by a Member, and seconded by another Member, for inclusion on an agenda of a meeting of the Council or of a Standing Committee.

“Order of Business” means the sequence of business under consideration at a meeting.

“Outgoing Warden” means the Warden whose term has come to an end.

“Past Warden” means a previous Warden of the County.

“Pecuniary Interest” means a direct or indirect pecuniary (monetary) interest within the meaning of the *Municipal Conflict of Interest Act*, R.S.O. 1990, as amended.

“Petition” means a formal written request that appeal to Council with respect to a particular issue relevant to a County Service as set out in the Procedural Bylaw.

“Point of Order” means a question by a Member with the view to calling attention to any matter in the Procedural By-law or in the conduct of the Council's or Standing Committee's business in order to assist a Member in understanding the procedures, making an appropriate motion, or understanding the effect of a Motion.

“Point of Personal Privilege” means a question by a Member who believes that another Member has spoken disrespectfully towards that Member, or who considers that his or her integrity or that of a Council or Standing Committee official has been impugned or questioned by a member.

“Point of Privilege” means a question affecting the rights and immunities of the Council collectively or the position and conduct of Members as representatives of the Council.

“Presentation” means the occurrence when, staff, an individual or group have been invited to present information to Council or Committee.

“Presiding Officer” means the Warden, the Deputy Warden or Acting Warden (if the Warden is absent), or a Standing Committee Chair.

“Procedural By-law” means this By-law, as amended or replaced from time to time.

“Public Information Session or Centres” means an event held for the purpose of presenting proposals and issues, educating and informing and/or receiving input.

“Public Meeting (Statutory)” means a meeting held for the purpose required under an Act or Regulation.

“Quorum” means the number of Members required to be present at a meeting, in order that business may be conducted.

“Recess” means a break from a meeting called by the Presiding Officer or by a motion of Council or Standing Committee.

“Recorded Vote” means the name and vote of every Member voting on any matter or question; the weight of each vote to be determined by Schedule “A” to By-law 05-97, as amended from time to time; and, also means the recording of a division on a matter.

“Regular Election” means a regular election as defined in section 1 of the *Municipal Elections Act*.

“Resolution” means the decision duly passed by Council on any motion.

“Scrutineer” shall mean an individual not on Council who examines votes at an election.

“Special Meeting” means a County Council Meeting which is in addition to the published Meeting Schedule approved annually by Council.

“Standing Committee” means one of six (6) committees as adopted by Council In 2020 within the Governance Structure, specifically: Community Health Committee, Corporate Support Committee, Economic Development, Tourism, & Land Use Planning Committee, Finance & Audit Committee, Public Works Committee, and Social Services Committee.

A Standing Committee has a specific mandate, a Terms of Reference, and a voting membership comprised of less than a majority of Council. It reports to Council and Council has primacy (Standing Committees make recommendations to Council; Council make decisions.). Standing Committees have limited decision-making powers that are prescribed in their Terms of Reference.

“Standing Committee Chair” means the Council-appointed Presiding Officer of the Standing Committee (not the Warden).

“Statutory Committee” means a committee or other body to which Council is obliged to make appointments and/or to have in place per Provincial or Federal legislation. An example of this type of committee is the Northumberland Accessibility Advisory Committee.

“Sub-Committee” means a committee comprised exclusively of appointed Council Members. It has a specific mandate, it is established for a specific term, It has a Terms of Reference, it is comprised of less than a majority of Council, it reports to a Standing Committee following each of its meetings, it does not exercise decision-making powers or commit expenditures except those

delegated by Council, it does not direct staff to undertake activities not already specified in its mandate (without authority from Council), it is supported by staff specified by Council.

“Territorial Jurisdiction of Council” means except where otherwise provided, the jurisdiction of the Council shall be confined to the County of Northumberland.

“Triple Majority Vote” means a voting process required under specific circumstances as prescribed under the *Municipal Act, 2001* Sections 188 and 189 as amended.

“Two-Thirds Majority Vote” means a vote where at least two-thirds of the members present, and eligible to vote, vote in the same manner and shall not apply to a recorded vote.

“Warden” means the Member of Council duly elected or appointed by the Council of the Corporation of the County of Northumberland annually, at the December Council meeting, for a one-year period, and by virtue of their office acts as Head of Council and Presiding Officer with all of the duties as set out and as identified within *Section 225 of the Municipal Act, 2001, S.O. 2001, c.25*.

2.0 Conduct of Business

2.1. Application of this By-law

The Rules and Regulations contained in this By-law shall be observed in all proceedings of the Council and the Standing Committees, and shall be the Rules and Regulations for the order and dispatch of business in the Council.

The Warden or Presiding Officer shall be responsible to interpret the rules of procedure under this By-Law with the advice and assistance of the Clerk.

The Clerk or the Clerk’s designate shall be secretary of Council and of the Standing Committees.

Where procedural matters of Council are not governed by the *Municipal Act*, *Municipal Conflict of Interest Act* or provisions of this By-law, Robert’s Rules of Order shall apply.

3.0 The Head of Council or Presiding Officer

3.1. Head of Council to preside

The Warden, or the Presiding Officer appointed pursuant to section 3 and 4, shall preside at all meetings of the Council.

3.2. Presiding Officer - Appointment

In the absence of the Warden from a meeting, or if the office is vacant, the Deputy Warden shall be the Presiding Officer.

During such absence or vacancy, the Presiding Officer shall have the rights and may exercise all the powers and authority of the Warden.

3.3. Acting Warden - Appointment

The most recent Past Warden who is a member of Council or if none, it shall mean the Councillor with the longest continuous service on Council from among the current members be appointed Acting Warden and shall act as such when the Warden and Deputy Warden are absent from the municipality through illness or otherwise, or the offices are vacant and, while so acting, such member shall have and may exercise all the rights, powers and authority of the Warden.

4.0 Role of Council

- a. Represent the public and consider the well-being and interests of the municipality;
- b. Develop and evaluate the policies and programs of the municipality;
- c. Determine services the municipality provides;
- d. Ensure the administrative practices and procedures are in place to implement the decisions of Council;
- e. Maintain the financial integrity of the municipality;
- f. Carry out the duties of Council under applicable By-Laws or Acts.
- g. Respect and adhere to the policies and procedures set by Council and will under no circumstances take it upon themselves, individually, to circumvent established policies and procedures;
- h. Not criticize any decision of Council except for the purpose of moving that a question be reconsidered;
- i. Consult with the CAO and/or Directors on matters of operational concerns and complaints;
- j. Direct general questions or comments to the CAO.

5.0 Inaugural Meeting

5.1. Inaugural Meeting - time and place

Subject to the provisions of the *Municipal Act*, 2001, S.O. 2001, Sec. 230, the Inaugural Meeting shall be held at the time set out in the municipality's procedure by-law but in any case not later than 31 days after its term commences.

5.2. Inaugural Meeting - Certificate of Election

A member of the Council shall not take their seat until they file with the Clerk the certificate prescribed by the *Municipal Act* under the hand of the Clerk of the Municipality for which they were elected and the seal of the Corporation.

5.3. Inaugural Meeting - Declarations of office before business

No business shall be proceeded with at the Inaugural Meeting until after the declarations of office have been made by all the members who present themselves for that purpose.

5.4. Inaugural Meeting - When Council deemed organized

The Council shall be deemed to be organized within the meaning of the *Municipal Act* when the declarations of office have been made by a majority of the members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to make such declarations.

5.5. Inaugural Meeting - Order of Procedure

At the Inaugural Meeting of the Council:

- a. The members shall make their declarations of office;
- b. The Council shall organize as a Council and the first order of business shall be the election as Warden of a person who is a member of the Council;
- c. Immediately following the election of the Warden, Council shall elect a Deputy Warden.
- d. Immediately following the election of the Deputy Warden, Council shall appoint the Chairs of the six (6) Standing Committees for a specified term.

5.6. Inaugural Meeting - Elections of Warden and Deputy Warden - Clerk to preside

The Clerk or their designate shall preside over the elections of the Warden and Deputy Warden.

5.7. Scrutineer

In the case of an election and prior to voting for Warden, Council may by resolution appoint a scrutineer to verify the vote.

5.8. Inaugural Meeting - Election of Warden and Deputy Warden - equality of votes

a. Equality of Votes

For the purposes of electing the Warden and Deputy Warden, each County Councillor will have one (1) vote.

b. Majority of Council Required

In order to be declared Warden or Deputy Warden, the successful candidate must be elected by a majority vote of Council.

a. Tie Vote – 2 Candidates

In case of a tie vote for Warden or Deputy Warden, the successful candidate shall be determined by placing the names of the candidates on equal size pieces of paper in a container and one name shall be drawn and a successful candidate shall be declared by the Clerk or their designate.

b. Tie Vote – 3 or More Candidates

Where there are three or more candidates, if on any given ballot no candidate receives a majority of the vote, the name of the candidate with the lowest number of votes will be removed from the next ballot and then the voting will continue.

6.0 Meetings of the Council

6.1. Meetings - Regular meetings

The Council shall generally hold all of its meetings at the County's Headquarters in the Town of Cobourg, unless otherwise decided by the Council.

6.2. Meetings - Schedule of meetings

Regular meetings of the Council shall generally be held on the third Wednesday of every month commencing at 9:30 a.m. However, to accommodate Members' attendance at certain conferences, a Council meeting may be on a different date. The schedule of meetings for each year is to be approved by County Council and posted on the County website.

6.3. Meetings - Publication and use of schedule

The Council shall establish and publish an annual schedule of its regular meetings, and shall adhere to this schedule unless it decides otherwise. Council shall have the right to schedule additional Special Meetings from time to time as required.

6.4. Meetings - Cancellation - postponement

If any meeting of the Council is to be cancelled, or postponed to another day and time, the Clerk shall provide notice by way of a written notice, or email and sent to each Member at least three business days before the scheduled date of the meeting.

6.5. Meetings - Notice of meetings

Notice of meetings will be given by posting the approved annual meeting schedule on the County Website.

6.6. Special Meetings - Warden or Presiding Officer may call

The Warden or Presiding Officer may call a Special Meeting of the Council at any time and shall call a Special Meeting of the Council when requested to do so in writing by a majority of the Members, for the purpose and at the time so requested.

6.7. Special Meetings - Clerk may call

In the absence of the Warden, upon receipt of a petition of the majority of the members of Council, the clerk shall call a special meeting for the purpose and at the time mentioned in the petition. The *Municipal Act*, 2001, c. 25, s. 240.

6.8. Special Meetings - Agenda

The Agenda for all Special Meetings of the Council shall be prepared and circulated by the Clerk. The only business to be dealt with at a Special Meeting shall be that stated on the Agenda of the meeting.

6.9. Special Meetings - Items to be considered

The notice calling a Special Meeting of the Council shall state the business to be considered at the Special Meeting, and no business other than that stated in the notice shall be considered at that meeting, except with a two-thirds majority vote.

6.10. Special Meetings - Notice

Notice of a Special Meeting shall be given by the Clerk to each Member at least 10 (ten) business days before the date of the meeting.

6.11. Special Meetings – Emergency

The time of notice requirement shall not apply to a special meeting summoned to deal with an emergency, or in a situation of urgency where it is not reasonably possible to comply with that requirement.

6.12. Electronic Participation at Council Meetings, Including Quorum and Voting

All Members may participate by means of audio/visual or audio electronic communication devices, under the following circumstances:

- a. County staff shall determine the means of electronic communication for use by members.
- b. Members shall provide advance notice to the Clerk or Deputy Clerk of their intent to participate electronically, preferably no later than 12 hours prior to the scheduled meeting time (if possible).
- c. Council members participating electronically shall be counted for the purpose of determining quorum.

A Member participating electronically shall always have their camera on when using conference meeting technology, unless they are participating using only audio means (telephone).

A Member participating electronically shall verbally advise the Warden or Presiding Officer when they leave the meeting, either on a temporary or permanent basis. If returning to the meeting, the Member shall verbally notify the Warden or Presiding Officer when they arrive.

- d. Members participating electronically shall be able to vote. All Members participating electronically shall vote by a show of hands, or by verbal consent (yes or no).
A Member participating electronically will be considered to have left the meeting when they are no longer connected to the meeting.
- e. Electronic participation shall be permitted in open and closed sessions of the meetings.
- f. Members participating electronically in a closed session must be alone in a private room so that no other individual is privy to the meeting discussion and information. Reasonable measures should be taken to ensure that the internet connection is secure and not publicly accessible. Members are advised to wear a headset if possible.
- g. In the case of an interruption in the virtual link to the member(s) participating electronically, Council will recess to a maximum of 15 minutes until it is determined whether the link can be re-established. If communications are not re-established, the meeting will resume without the electronic participant(s), provided there is quorum.
An Alternate member appointed by their respective Council who participates on behalf of a Member shall be allowed to participate electronically, as provided by this By-law.

Electronic Participation – Staff and Public

County staff may participate electronically when deemed appropriate by the Chief Administrative Officer, Clerk or designate.

Members of the public shall have the option to make a delegation or presentation to a Standing Committee electronically or in person.
Members of the public shall have option to make a delegation or presentation to a Statutory Public meeting of Council electronically or in person.

For public notice purposes, the location of the meeting published on the agenda shall note the physical location of the Clerk (or designate) during the meeting. Meeting conference details will be provided on agendas.

Council and Standing Committee meetings will be livestreamed on the County's YouTube channel, or, webcast on other platforms.

A recording of an open session of a meeting shall be preserved for a time as determined by the Records Retention By-law, for the public record, and is available upon request.

6.13. Hybrid Regular Council Meetings

The Warden or Presiding Officer shall attend in person.
The Warden or Presiding Officer may postpone/reschedule the meeting if a majority of Members are not physically present at the meeting location.

Members shall attend Council meetings in person, but may participate electronically under the following circumstances:

- a declared emergency,
- a severe weather event,
- personal illness or injury,
- quarantine restrictions (per Public Health guidelines),
- capacity restrictions (per Public Health guidelines),
- while away on vacation.

6.14. Hybrid Special Council Meetings

The Warden or Presiding Officer shall attend in person.

Members may participate electronically, for any reason.

6.15. Election Year

- a. Within six months following the municipal election an orientation shall be held for all members of Council.
- b. Following the municipal election, the Clerk shall make available the newly revised weighted vote for each member, for the purposes of **a** recorded votes**s**.

6.16. Restricted Acts After Nomination Day ('Lame Duck' Provision')

In an election year, when it has become mathematically impossible for three-quarters of the members of the outgoing council to be re-elected, the council shall be subject to the following limitations;

Council shall not:

- a. Appoint or remove from office any officer of the municipality;
- b. Hire or dismiss any employee of the municipality;
- c. Dispose of any real or personal property of the municipality which had a value exceeding \$50,000 when it was acquired by the Council before nomination day in the year of the election;
- d. Make any expenditures or incur any other liability which exceeds \$50,000 if not included in the most recent budget adopted by the Council before nomination day in the year of the election.

Council may be in 'Lame Duck' when:

- a. After nomination day but before election day, there is less than three-quarters of existing Members certified as candidates or acclaimed; or
- b. After Election Day but before the new Council is sworn in, less than three-quarters of the existing Members have been re-elected.

Refer to Sec. 275 of the *Municipal Act* for further details.

7.0 Meetings of Standing Committees

7.1. Meetings - Regular meetings

A Standing Committee shall generally hold all of its meetings at the County's Headquarters in the Town of Cobourg, unless otherwise decided by the Committee.

7.2. Meetings - Schedule of meetings

Regular meetings of the Standing Committee shall generally be held on a monthly basis. The schedule of meetings for each year shall be approved by County Council and posted on the County website.

7.3. Meetings - Publication and use of schedule

Council shall establish and publish an annual schedule of the Standing Committees' regular meetings. Council or the Standing Committee shall have the right to schedule additional Special Meetings from time to time as required.

7.4. Meetings - Cancellation - postponement

If any meeting of the Committee is to be cancelled, or postponed to another day and time, the Clerk shall provide notice to each Member by written notice or electronic mail, and sent to each Member at least three business days before the scheduled date of the meeting. Public notice of cancellation or postponement shall be posted on the County's website.

7.5. Meetings - Notice of meetings

Notice of meetings will be given by posting the approved annual meeting schedule on the County Website.

7.6. Special Meetings - Chair may call

The Chair may call a Special Meeting of the Standing Committee at any time.

7.7. Special Meetings - Clerk may call

In the absence of the Chair, upon receipt of a petition of the majority of the members of Council, the Clerk shall call a special meeting of the Standing Committee for the purpose and at the time mentioned in the petition.

7.8. Special Meetings - Agenda

The Agenda for all Special Meetings of the Standing Committee shall be prepared and circulated by the Clerk. The only business to be dealt with at a Special Meeting shall be that stated on the Agenda of the meeting.

7.9. Special Meetings - Items to be considered

The notice calling a Special Meeting of the Standing Committee shall state the business to be considered at the Special Meeting, and no business other than that stated in the notice shall be considered at that meeting.

7.10. Special Meetings - Notice

Notice of a Special Meeting shall be given by the Clerk to each Member at least 10 (ten) business days before the date of the meeting.

7.11. Special Meetings – Emergency

The time of notice requirement shall not apply to a special meeting summoned to deal with an emergency, or in a situation of urgency where it is not reasonably possible to comply with that requirement.

7.12. Electronic Participation at Standing Committee Meetings, Including Quorum and Voting

Refer to Clause 6.12., 'Electronic Participation at Council Meetings, Including Quorum and Voting' is applicable for Standing Committee Meetings

7.13 Hybrid Standing Committee Meetings

The Chair may attend in person or participate electronically, and, when possible, shall advise the Clerk regarding their electronic participation 12 hours prior to the meeting.

Voting Members may participate electronically, for any reason.

8.0 Establishing a Meeting for the Conduct of Business

8.1. Quorum

A majority of the whole number of Members of the Council or of the Standing Committee shall be necessary to form a quorum for a meeting.

8.2. Quorum - Conduct of Business

It is the duty of the Warden or Presiding Officer to ensure that a quorum is present for the meeting to begin or continue.

8.3. Quorum - Absence prevents meeting

If no quorum is present within thirty minutes of the time set for a meeting of the Council, or the resumption after an adjournment, the Clerk shall record the names of the Members present and the meeting shall stand adjourned until a day and time named by the Warden or Presiding Officer.

8.4. Quorum - Loss

During the meeting, if a Member or the Clerk draws the attention of the Warden or Presiding Officer to the fact that a quorum is not present, the Warden or Presiding Officer shall, upon determining that a quorum is not present, request the Clerk to call for a quorum for a period of fifteen minutes, or until a quorum is present, whichever is sooner.

8.5. Quorum - Adjournment where quorum absent

If there is still no quorum after fifteen minutes, the Clerk shall record the names of the Members present and the meeting shall stand adjourned.

8.6. Meeting - Commencement

As soon as there is a quorum after the time set for the meeting, the Warden or presiding officer shall take the chair and call the Members to order.

8.7. Meeting - Absence of Warden or Presiding Officer

If the Warden or Presiding Officer does not attend within fifteen minutes of the time a quorum is present after the time appointed for a meeting of the Council or the resumption after an adjournment, the Deputy Warden or the

Clerk shall call the Members to order and the Deputy Warden shall preside until the arrival of the Warden or Presiding Officer.

8.8. Meeting – Deputy Warden or Acting Warden or Presiding Officer may preside

The Warden or Deputy Warden or Presiding Officer may designate another Member as Acting Warden or Presiding Officer during any part of a meeting of the Council when they leave the chair for any reason.

8.9. Deputy Warden, Acting Warden or Presiding Officer - Powers

While presiding, the Deputy Warden, Acting Warden or Presiding Officer shall have all the power and authority and shall perform the duties of the Warden or Presiding Officer with respect to chairing the meeting and shall be entitled to vote as a Member.

8.10. Members - Seat to become vacant (unauthorized absence)

The seat of a member of a Council shall become vacant if he or she is absent from the Council for three consecutive months without being authorized to do so by a resolution of Council.

8.11. Meeting - Adjournment

The Council may adjourn a meeting at any time by way of a motion.

8.12. Meeting - Adjourned business

When the Council stands adjourned until its next meeting, all unfinished business shall be carried forward to the next meeting.

9.0 Meetings - Open Meetings

9.1. Meetings – Matters Permitted in Closed Sessions

No meeting or part thereof shall be closed to the public unless the subject matter being considered is:

Section 239 (2) of the *Municipal Act, 2001* as amended

- a. The security of the property of the Council;
- b. Personal matters about an identifiable individual;
- c. A proposed or pending acquisition of land for County purposes;
- d. Labour relations or employee negotiations;

- e. Litigation or potential litigation, including matters before administrative tribunals, affecting the County;
- f. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g. A matter in respect of which the Council has authorized a meeting to be closed under any Act; or
- h. Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- i. A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j. A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- k. A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Section 239 (3) of the *Municipal Act, 2001* as amended

- a. A request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
- b. An ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13, Sched. 9, s. 22.

Section 239 (3.1) of the *Municipal Act, 2001* as amended

1. The meeting is held for the purpose of educating or training the members.
2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee. 2006, c. 32, Sched. A, s. 103 (1).

9.2. Meetings - Decision to close meeting to public

Before holding a meeting or part of a meeting that is to be closed to the public, the Council or Standing Committee shall state by resolution at a public meeting:

- a. The fact of the holding of the Closed meeting; and
- b. The general nature of the matters to be considered at the Closed meeting.

9.3. Clerk or Deputy Clerk present

The Clerk and/or Deputy Clerk or designate shall remain in the room for all closed sessions.

9.4. Order of Business – Closed Session

1. Approval of the Agenda
2. Declaration of Interest
3. Approval of the Minutes
4. Staff Report(s), Recommendation(s), Council Direction or Instruction

9.5. Meetings - Votes limited at closed meetings

Votes may only be taken in closed meetings for a procedural matter or giving directions or instructions to officers, employees, agents or persons retained by or under a contract.

9.6. Exceptions for closed meeting voting

A meeting may be closed to the public during a vote if:

- a. Subsection 239 (2) of the *Municipal Act* permit or require a meeting to be closed to the public; and
- b. The vote is for a procedural matter or for giving directions or instructions to officials, employees or agents of the County, or persons retained by or under contract with the County.

9.7. Restricting decisions or action

Confidential discussion during a closed session shall be limited to the issue declared and nothing in this by-law confers the power of any Member or Members of Council to make any decision or take any action unless, or until such action is presented and decided upon at a duly called and constituted open meeting of Council.

9.8. Maintaining Confidentiality

No Member, staff or other person present shall in any way notify, distribute or make available to any person or other body, by any means, any reports or items, or disclose the nature or content of any documents. or disclose the nature or content of discussions regarding any matters that are confidential without approval of such release by Council.

9.9. Rise and Report

Upon returning to open session the Chair shall rise and report the following:

- a. A statement resulting from the closed session;
- b. Declarations of pecuniary interest during the closed session.

9.10. Closed Sessions and Scheduling

When more than one closed session matter is to be considered at a Council or Standing Committee meeting, one Closed Session will be held for all matters as per Section 239 of the *Municipal Act, 2001*.

Where practical, closed sessions shall be scheduled at the end of the meeting.

9.11. Closed Session Minutes – Approval

Closed Session Minutes shall be approved at the next meeting of Council where there is a closed session scheduled.

9.12. Securing Confidential Records

The Clerk shall be responsible to secure and maintain a confidential record of all original documentation distributed or presented, relating to closed sessions.

- a. Whenever possible, confidential documents will be provided in a secure manner to Council Members prior to the meeting.
- b. All members and staff have a personal obligation to the Corporation to treat identified documents in confidence and not to use them to the detriment of the corporation.
- c. The obligation to keep information confidential shall continue after the Member ceases to be a Member of Council.
- d. Closed Session Minutes shall be prepared and shall be signed by the Warden; and by either the Clerk or Deputy Clerk or designate.

10.0 Meetings - Order and Conduct of Meetings

10.1. Warden or Presiding Officer, or Standing Committee Chair - Duties and powers

Subject to being overruled by a majority vote of the Members, which vote shall be taken without debate, it shall be the duty and power of the Warden, or the Presiding Officer, or the Standing Committee Chair:

- a. To open the meeting and call the members to order;
- b. To announce the business in the order in which it is to be acted upon;
- c. To receive and submit, in the proper manner, all motions presented by Members;
- d. To put to vote all proper questions, which are regularly moved and seconded, or necessarily arise in the course of the proceedings, and to announce the results;
- e. To decline to put a vote which infringes the rules of procedure;
- f. To guide the members, when engaged in debate, within the rules of order;
- 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 of order of the Council thereby ordering them to vacate the meeting;
- i. To expel or exclude from any meeting, any person who disrupts the proceedings of the meeting;
- j. To receive all proper messages and other communications and announce them to the Council or Standing Committee;
- k. To inform the Council, when necessary or when requested, on a point of order or usage;
- l. To rule upon points of order, points of privilege and points of personal privilege, without debate or comment;
- m. To ensure that the decisions of Council or the Standing Committee conform to the laws and by-laws governing the authority and proceedings, as established;
- n. To rule whether a motion or proposed amendment is in order;
- o. To rule upon all other procedural matters;
- p. To determine which Member has the right to speak;
- q. To ascertain that all Members who wish to speak on a motion have spoken and that the Members are ready to vote, and to then put the vote;
- r. To adjourn the meeting when authorized by this By-law; and
- s. To adjourn or suspend the meeting without question put, in the case of grave disorder.

10.2. **Questions & Order of Speaking**

- a. All Members shall address their questions and comments through the Chair.
- b. When two or more Members wish to speak, the Chair shall name the Member who is to speak first.
- c. When a Member is recognized by the Chair, the Member shall confine their remarks to the motion under consideration.
- d. When a motion is under debate, a Member may ask a question through the Chair of another Member, CAO, Director or other employee of the Corporation.
- e. Any Member may require the motion under debate to be read at any time during the debate, but in doing so shall not interrupt a Member while speaking.

10.3. **Meetings - expulsion of any person**

The Warden or Presiding Officer may expel any person for improper conduct at a meeting.

10.4. **Members' Conduct at Meetings**

No Member shall:

- a. Speak disrespectfully of any member of Council or any official or employee of the County;
- b. Use offensive words or insulting expressions; engage in private conversation while in the meeting or use cellular phones, pagers, in such manner as to interrupt the proceedings of the meeting;
- c. Leave his or her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
- d. Speak on any subject not properly raised under this By-law;
- e. Speak until they have been recognized by the Warden, Presiding Officer, or Committee Chair;
- f. Walk across or out of the Chamber or make any noise or disturbance when the Warden or Presiding Officer is putting a question, and every Member shall occupy his or her seat while a vote is being taken and until the result thereof is declared;
- g. Disturb or interrupt another Member by any disorderly deportment or conduct disconcerting to any Member speaking;
- h. Interrupt a Member who is speaking, except to raise a Point of Order or a Point of Privilege;
- i. Persist in any such non-compliance after having been called to order by the Warden or Presiding Officer (the Warden or Presiding Officer shall not recognize that Member, except for the purpose of receiving an apology from the Member tendered at that meeting or any subsequent meeting,

unless the Council or Standing Committee consents thereto by a majority vote of the other Members present, determined without debate.)

- j. Permanently leave the meeting without advising the Chair or the Clerk, or Presiding Officer

10.5. **Member or Attendee - Removal**

In the event that a Member or Attendee persists in a breach of the Procedural By-law after having been called to order by the Warden, or Presiding Officer or Standing Committee Chair;

- a. The Chair shall without debate call the question "Shall the Member or Attendee be ordered to leave the meeting for the duration of the meeting?".
- b. If the Members decide the question in the affirmative by a majority vote of those present, the Chair shall order the Member or Attendee to leave the meeting for the duration of the meeting.
- c. If the Member or Attendee apologizes, the Chair, with the approval of Council, may permit them to return to the meeting.
- d. If a Member or Attendee does not leave the meeting after being ordered to do so by the Warden or Standing Committee Chair, and if the Member or Attendee does not apologize, then the Warden or Standing Committee Chair shall for a second time without debate call the question "Shall the Member or Attendee be ordered to leave their seat/the chambers for the duration of the meeting?".
- e. If the Members decide the question in the affirmative by a majority vote and the Member or Attendee does not leave the meeting, the Warden or Standing Committee Chair shall direct the Clerk to seek the appropriate assistance from the Local Police Service. Alternatively, if the Member or Attendee are participating by electronic means, the Warden or Standing Committee Chair shall direct the Clerk to eject them from the meeting.

10.6. **Meetings - Non-Members prohibited**

No person, media, photographers, other than a Council Member shall be allowed to speak to the Council or Standing Committee without permission from the Warden, Presiding Officer or Standing Committee Chair, or by a majority vote of Members.

10.7. **Meetings - Disruptions**

No person shall display signs or placards, use cellular phones, pagers, or engage in conversation or other behaviour which may disrupt the proceedings of the meeting

10.8. Meetings - Delegations

No person other than a Member may address the Council or Standing Committee other than as permitted under this By-law, except by acceptance of the Warden or Presiding Officer, or Standing Committee Chair, or by a majority vote of Members.

10.9. Media Question Period

The Media as defined will have an opportunity to ask questions without comment through the Warden, Presiding Officer or Standing Committee Chair. Through the Warden, Presiding Officer or Standing Committee Chair, Members may respond or refer the question to the CAO or appropriate Staff.

10.10. Meetings – Audio/Visual Recordings & Photography

Audio/Visual recording and photography during Council meetings are permitted from the media table, public gallery and any other area of the Council Chambers authorized by the Presiding Officer, provided such recording or photography does not create a disruption, is not intimidating to others, and does not interfere with the conduct of the meeting or a person's ability to hear or view the proceedings. The area behind Council seating is restricted for Council Members and Officers of the County, unless authorized by the Warden or CAO.

County staff shall maintain Council and Standing Committee meeting recordings per the Corporation's Retention Schedule. Recordings shall be available to the public, upon request (except recordings of Closed Session meetings).

10.11. Meetings – Closed Session Confidentiality

Where a matter has been discussed in a closed session, and where the matter remains confidential, Council shall not disclose to any person the content of the matter or the substance of deliberations of the closed meeting.

10.12. Meetings – Alternates

Member Municipalities may appoint an Alternate Member to attend County Council in the event that their Mayor is unable to attend a Council Meeting.

An Alternate Member so appointed may attend any meeting of County Council in the place of their respective municipality's Mayor under the following circumstances:

- a. The Resolution of the respective Council appointing the Alternate Member has been provided to the County Clerk prior to an Alternate taking the County Oath of Office.
 - b. The Alternate Member takes the Oath of Office at their first County Council Meeting, prior to participating in the meeting.
 - c. The Mayor, Clerk or Chief Administrative Officer of the respective local municipality provide the County Clerk with advance notification that their Alternate Member will attend in place of their Mayor at a particular meeting.
 - d. The Alternate Member meets with the County Clerk and/or CAO prior to participating in a Council meeting to review the agenda, procedures and any other relevant materials.
- In addition:
- e. Aside from the mandatory meeting specified in paragraph (d.) above, it is the responsibility of the local municipality and not the County to generally prepare the Alternate Member for attendance at meetings of County Council.
 - f. Alternate Members shall not hold the position of Presiding Officer of County Council.
 - g. Alternate Members shall not participate as Standing Committee Members.
 - h. A Local Council cannot appoint more than one Alternate Member during the term of Council unless the Alternate Member's seat becomes vacant.
 - i. Alternate Members are eligible to receive remuneration or compensation from the County, as outlined in By-law 2019-27 ('To Provide for Remuneration and Expenses of Council Members').
 - j. While serving as an Alternate Member, the Alternate Member shall be subject to such policies and procedures of the County as would apply to the Mayor for whom they are serving as an Alternate, including this By-Law and the Council Code of Conduct Policy.
 - k. The weight given to any vote made by the Alternate Member shall be equal to the weight which would have been given to votes made by the Mayor the Alternate Member is replacing.

11.0 Order of Business

11.1. Order of Business – Agenda

The Clerk shall have prepared and printed for the use of the Members at the meetings of the Council and Standing Committees an Agenda and the following headings shall be included (as relevant to the meeting type):

1. Call to order
2. Approval of the Agenda
3. Declaration of Interest
4. Presentations/Delegations
5. Adoption of the Minutes
6. Business Arising from the Minutes
7. Business Arising from Communications
8. Staff Reports
9. Determination/Consideration of Items Requiring Separate Discussion
10. Enactment By-laws
11. New Business
12. Media Question Period
13. Closed Session
14. Confirming By-law
15. Adjournment

11.2. Agenda - Distribution

Council Agendas shall be distributed to the Members by the Clerk not fewer than five days preceding the regular meeting of Council.

Standing Committee Agendas shall be distributed to the Members by the Clerk not fewer than four days preceding the Committee meeting.

11.3. Agenda - Preparation

At all Special Meetings of the Council, the Agenda shall be prepared and printed as the Warden may direct.

At all Special Meetings of a Standing Committee, the Agenda shall be prepared as the Chair may direct.

11.4. Meetings - Order of Business

The business of the Council or Standing Committee shall in all cases be taken up in the order in which it is listed on the Agenda, unless otherwise decided by the Members.

11.5. Declaration of Interest – Open and Closed Sessions

- a. A Member shall declare a direct or indirect pecuniary interest in accordance with the *Municipal Conflict of Interest Act*.
- b. If the declared pecuniary interest is with respect to an item on a closed session agenda, in addition to complying with the requirements, the Member shall forthwith leave the closed session, or that part of the closed session during which the matter is under consideration. The Chair in their Rise and Report shall state the declaration of interest disclosed during the closed session.
- c. Where the interest of a Member has not been disclosed as required, by reason of the Member's absence from the meeting, the Member shall disclose the interest at the first subsequent meeting thereafter.
- d. Members of Council shall file a Declaration of Interest at their earliest opportunity in a form and manner established by the County Clerk acting in consultation with the Integrity Commissioner.
- e. A Council Member shall not ask another Member or County Staff whether that member should declare an interest.
- f. A Member or County Staff shall not offer an opinion to any Member with regards to a potential conflict of interest.
- g. A Member may seek conflict of interest advice in writing, from the Integrity Commissioner.
- h. Where Members choose to seek external legal advice on conflict of interest issues, these fees will not be reimbursed by the County of Northumberland and cannot be charged to any office account.

11.6. Meetings - Motions not disposed of and Unfinished Business

Items on an agenda including motions which have not been dealt with shall be repeated on each subsequent agenda until resolved or removed from the agenda by resolution.

11.7. Notices of Motion

Notices of Motion shall be in writing and shall be received by the Clerk at any time, and if received not less than 7 (seven) days preceding the next regular meeting of Council, shall be printed in full in the Agenda, for that

meeting of Council and each succeeding meeting until the Motion is considered or otherwise disposed of.

11.8. Meetings - Items adopted without debate

Following the adoption of the minutes of previous Meetings, the Warden or Presiding Officer shall call for the decision of the Council on all items where discussion or debate is not requested by any Member; each of which, including recommendations, shall, unless decided otherwise by the Council, be deemed to be adopted at that time.

11.9. Meetings - Additional Items

An item that is not on the Agenda or circulated with the Agenda material shall not be set out on the Members' desks, received or considered by the Council without leave, or as stated in the motion to adopt the Agenda.

11.10. Minutes - Adoption

Minutes of former sessions of Council which have been circulated to the Members may be adopted as presented or as amended by the Council.

11.11. Communications

Every communication, including a petition, must be in writing, and delivered by letter, facsimile transmission, or by electronic mail, and must:

- a. Be in a legible hand-written or printed form;
- b. Contain a telephone number to allow for confirmation;
- c. Contain the signature, unless delivered by electronic mail, and printed name and address of at least one signatory and if possible the printed name and address of all signatories, and:
 - i. If delivered by facsimile transmission, contain the facsimile number of the sender; and
 - ii. If delivered by electronic mail, contain the electronic mail address of the sender and have attached to it only those documents which are in a printed form.

11.12. Communications - Prior notice

No written communication, memorial or petition shall be considered by the Council unless the same has been delivered to the Clerk at least six days, Saturday and Sunday excluded, before the day scheduled for the meeting of the Council, except with the leave of Council by a majority vote.

11.13. Communications & Proclamations - Role of Clerk

- a. On receipt of a communication addressed to the Council, the Clerk, if satisfied that it does not contain any improper or defamatory matter, is respectful and temperate in its language, and contains the signature of the writer or writers, shall either include it on the next Council Agenda or forward it to the appropriate official for consideration.
- b. Requests for Proclamations shall be forwarded to the Clerk for review. Only proclamations relevant to County services or proclamations at the request of a member of County Council will be included on County Council meeting Agendas.

11.14. Petitions

- a) Petitions may be submitted to the Clerk and will include a minimum of two (2) persons including their respective addresses and on each page a clear statement of purpose for the Petition.
- b) Only petitions relevant to County Services will be presented to Council.
- c) The County is not accountable for the accuracy or reliability of petitions that are submitted.
- d) Petitions must contain original signatures only, written directly on the petition.
- e) The petition must clearly disclose on each page that it will be considered a public document.
- f) All petitions that meet the above standards will be presented to Council or to a Standing Committee at the next regular meeting, or the meeting at which the subject of the petition is to be discussed.
- g) All petitions, unless otherwise disposed of by Council, be referred to the appropriate staff member without any motion or debate unless otherwise ordered by Council.

11.15. Delegations – Council and Standing Committees

No delegation, other than persons entitled by law to be heard, shall be allowed to address the Council except where the Council decides to permit the delegation.

Delegations shall be allowed to address the Standing Committees as of right regarding business items included on the meeting Agenda.

11.16. Delegations – Standing Committees

Where a person or a representative of any group wishes to address a regular Standing Committee meeting on a matter which is included in the Agenda, they may make a request to the Clerk, in writing.

A delegation shall be allowed to address the Standing Committee as of right, without prior notice to the Clerk, as long as the matter directly relates to an item on the Standing Committee Agenda.

Delegations consisting of more than two persons shall be limited to a maximum of two speakers whose joint presentations shall not exceed ten minutes.

Delegations may only appear once on a matter within twelve (12) months, unless a recommendation pertaining to the matter is brought forward on an agenda within that time period, and shall be limited to providing new information.

11.17 Presentations to Council

Persons desiring to make a presentation to the Council regarding matters such as events or community information may be heard but shall be limited in speaking to not more than ten minutes plus five minutes for questions and answers. Presentations consisting of more than two persons shall be limited to a maximum of two speakers whose joint presentations shall not exceed ten minutes.

11.18 New Business/Other Business

- a. New Business/Other Business that is not on the agenda will not be added or considered unless it is of an emergency, time sensitive, congratulatory or condolence nature and should otherwise be referred to the next meeting of Council of the Standing Committee.
- b. New Business/Other Business may be added to the agenda and heard by Council with a Majority Vote.
- c. The request to hear New/Other Business is not debatable.
- d. Petitions may be considered under New Business/Other Business in accordance with the Procedural By-law

12.0 Rules of Debate

12.1. Speakers - Order

In directing the course of debate, the Warden, Presiding Officer or Standing Committee Chair shall:

- a. Designate the Member who has the floor when two or more Members wish to speak;
- b. Maintain a list of Members who have requested to speak or to ask questions, and designate Members to speak or to ask questions in the order in which they appear on the list;
- c. Preserve order and decide on questions of order;
- d. Read all motions presented in writing and state all motions presented orally before permitting debate on the question, except when otherwise provided in this By-law.

12.2. First Speaker

The Member who first requests a matter to be held shall be the first speaker named on the list of Members who have requested to speak.

12.3. Questions by Speaker

A Member shall ask all of their questions when it is their turn to speak and prior to speaking on a matter.

12.4. Questions of Speaker or Official

When a Member or an Official has the floor of the Council to answer questions, any Member may ask questions of such Member or Official.

12.5. Questions to obtain facts

A Member may ask questions only for the purpose of obtaining facts relating to the matter under discussion and necessary for a clear understanding thereof.

12.6. Questions not to be statements

All questions shall be stated succinctly and questions shall not be used as a means of making statements or assertions.

12.7. Questions of Members and Officials - Authority

Questions may be asked only of:

- a. The Warden, Presiding Officer, or Standing Committee Chair;
- b. An official of the County, with the consent of the Council; and
- c. The previous speaker, if that speaker has moved a motion, but such question must be limited to clarification of that motion only.

12.8. Questions - Limit of number only

A Member may ask questions only twice of the same person on the same matter.

12.9. Questions - Time limit

No series of questions by a Member and answers to the questions by any person shall last more than five minutes.

12.10. Questions - Redundant

A Member may not ask a question if the Warden, Presiding Officer or Standing Committee Chair rules that the question, in substantially the same form and content, has already been asked and answered.

12.11. Speaking - Limitation to once

In addressing the Council or Standing Committee, no Member shall speak more than once to the same questions except:

- a. In explanation of a material part of his or her speech which may have been misunderstood, or
- b. With leave of the Council or Chair, after all other members so desiring have spoken, or
- c. In reply to a Member who presented a substantive motion, in which case such Member shall speak for no longer than a five minute period without leave of Council.

12.12. Speaking - Time limit

A Member may speak to the same matter for a maximum of five minutes except that Council may grant one five-minute extension.

12.13. Member not to interrupt other Member

When a Member is speaking, no other Member shall pass between that Member and the Warden, Presiding Officer or Standing Committee Chair, or interrupt them, except to raise a Point of Order, a Point of Privilege, or a Point of Personal Privilege.

12.14. Statement by Member or Official

When a Member considers the integrity of a Member or of a County official has been impugned or questioned by a Member, the Warden, Presiding Officer or Chair may permit the Member or official to make a statement to the Council.

12.15. Points of Order - Requirement of Leave

When a Member rises on a Point of Order, Point of Privilege or Point of Personal Privilege, they shall ask leave of the Warden, Presiding Officer or Standing Committee Chair to raise the point and after leave is granted, shall state the point to the Warden or Presiding Officer and then remain silent until the Warden or Presiding Officer has ruled upon the point.

12.16. Points of Order - Ruling by Warden, Presiding Officer or Standing Committee Chair

Subject to being overruled on a vote, which shall be taken immediately and without debate, the Warden, Presiding Officer or Chair shall rule upon Points of Order, Points of Privilege and Points of Personal Privilege, without debate or comment.

12.17. Points of Order - Challenging the Ruling

Any Member may challenge the Ruling of the Warden, Presiding Officer or Chair immediately following the Ruling.

12.18. Points of Order - Ruling final

Unless the Ruling of the Warden, Presiding Officer or Chair is challenged, the decision shall be final.

12.19. Points of Order - Challenge to ruling

If the ruling of the Warden, Presiding Officer or Chair is challenged, the Members shall decide the question without debate and its decision is final.

12.20. Points of (Personal) Privilege

- a. A motion on a Point of Privilege shall be received forthwith and when settled the question so interrupted shall be resumed at the point when it was suspended.
- b. A Member may raise a Point of Personal Privilege directing attention to a matter that affects the rights of the Member or Members; and

- c. Shall take precedence over any other matter except during verification of a vote.
- d. A Member shall state the Point of Personal Privilege to the Chair at the time of occurrence.
- e. The Chair may raise a point of Personal Privilege directing attention to a matter that affects the right of the Chair and shall immediately turn the chair over to an Acting Chair until a ruling is made. The Acting Chair shall not be the respondent of the Point of Personal Privilege.
- f. A Member shall not be permitted to enter into any argument or introduce any motion not related to the Point of Privilege.
- g. The Chair shall decide upon the Point of Personal Privilege and advise the Members of the decision unless:
- h. A Member immediately appeals the Chair's decision; the decision of the Chair shall be final.
- i. If the decision of the Chair is appealed, the question "Shall the ruling of the Chair be upheld?" vote shall be called without debate, and its results shall be final.
- j. A Recorded Vote shall not be permitted.
- k. When the matter has been determined to be a point of personal privilege, the Member shall be afforded an opportunity to propose a motion in relation to that point of privilege.
- l. When the integrity of an employee of the County has been questioned, the CAO shall be permitted to make a statement to Council through the Chair.

12.21. Request to read motion

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

12.22. Motion considered to be read

Motions contained in the published agenda shall be read in its entirety unless otherwise requested or directed by Council, by majority consent.

12.23. Appeal on Point of Order

An appeal to the Council from the decision of the Warden or Presiding Officer on a Point of Order, which shall be voted upon without debate, requires a two-thirds majority vote of the Members present in order to overrule the ruling.

12.24. Debate on separated items

When a question has been divided upon leave of Council, debate shall be restricted to each proposal in its turn.

13.0 Voting

13.1. Vote of Presiding Officer

When the Warden or Presiding Officer determines to vote on a question, his or her vote shall be signified and recorded after the votes of all Members voting.

13.2. Vote not allowed

A Member not present before the result of a division on a question is declared shall not be entitled to vote on that question.

13.3. Unrecorded vote

The manner of determining the decision of Council on a Motion shall be at the discretion of the Warden or Presiding Officer, and may be by voice, show of hands, standing or otherwise, except when a division is called for.

13.4. Voting to keep within Jurisdiction

A Motion or Notice of Motion in respect of a matter which is not within the jurisdiction of the Council shall not be in order and shall not be considered by the Council.

13.5. Additional items

No Member shall present any item to the Council or the Standing Committee for its consideration unless:

- a. The item relates to a matter on the Agenda for that meeting;
- b. Leave is granted to present the matter in accordance with the provisions of Section 12.9; or
- c. It is a Notice of Motion relating to a matter of emergency, health or safety or to meet a legal deadline, or the Council or Standing Committee considers it to be a matter of urgent public policy.

13.6. Consideration of items not distributed with Agenda

Except as decided by a majority vote, the Council or Standing Committee shall not receive or consider any item that relates to an item on the Agenda but has not been provided with the Agenda material.

13.7. Consideration of items not relating to Agenda

Except as decided by a two-thirds majority vote, the Council shall not receive or consider any item that does not relate directly to a matter on the Agenda.

13.8. Motions to be in writing

Except as provided for in section 12.9, every motion and proposed amendment shall be in writing and shall be moved and seconded before being debated or put to a vote.

The exception to this clause is when Council members participate by electronic means. During these meetings, Members may make a verbal motion, which shall be seconded before being debated or put to a vote, and Members participating electronically may verbally propose amendments.

13.9. Verbal motions

The following matters may be introduced verbally without leave:

- a. A Point of Order, a Point of Privilege or a Point of Personal Privilege;
- b. A motion that the vote be now taken; and
- c. A motion to suspend or not follow a rule of procedure.

13.10. Incidental motions

Incidental motions arising during the course of a debate in respect of a matter of order or privilege, suspension of rules of procedure, adjournment, postponement, a motion that the vote be now taken or a motion to refer may be made orally.

13.11. Motions to be moved and seconded before speaking

A motion or an amendment to a motion shall be moved and seconded before a Member speaks to it.

13.12. Withdrawal of motion or Notice of motion

After a motion is moved at the Council meeting, or a Notice of motion is placed on the Agenda or given at the Council meeting, it shall be deemed to be in possession of the Council and may not be withdrawn without the permission of the Council.

13.13. Priority of disposition

A motion properly before Council for decision must receive disposition before any other motion can be received except a motion to amend, that the vote be taken, to adjourn, to extend the hour of closing proceedings, or on a matter of order or privilege.

13.14. Question put - No further speaking

When a question has been finally put to the Council for consideration, no member shall speak to the question and no motion shall be received other than a procedural motion referred to in section .16, a motion to refer or to defer, a motion to receive, a motion to amend, the main motion or the main motion as amended.

13.15. Motion to adjourn - when business has not been completed

A motion to adjourn the Council meeting is not debatable and shall always be in order except when:

- a. Another Member is in possession of the floor;
- b. A vote has been called;
- c. The Members are voting; or
- d. A Member has indicated to the Warden or Presiding Officer his or her desire to speak on the matter before the Council.

13.16. Motion to adjourn - Timeliness

A motion to adjourn:

- a. When resolved in the negative, cannot be made again until after some intermediate proceeding shall have been completed by Council;
- b. Is not in order when a member is speaking, nor during the verification of a vote;
- c. Cannot be amended;
- d. Is not in order immediately following the affirmative resolution of a motion that the vote be now taken.

13.17. Motions to adjourn

A motion to adjourn, or a motion that the vote be now taken, shall take precedence over any other motion and shall be put immediately without debate.

13.18. Motion to call for the vote

A motion to call for the vote is not debatable.

13.19. Referral motion

A motion to refer and any amendment thereto is debatable and shall include:

- a. The name of the official or body to whom the motion or amendment is to be referred;
- b. The terms upon which it is to be referred; and
- c. The date or period, if any, within which the matter is to be returned.

13.20. Deferral Motion

A motion to defer, and any amendment thereto is debatable and shall include:

- a. The time to or within which consideration of the matter is to be deferred; and
- b. Whatever explanation is necessary to demonstrate the purpose of the motion to defer.

13.21. Motions to Amend

A motion to amend is debatable.

13.22. Motion to Amend - Requirements

A Notice to Amend:

- a. Shall be presented in writing before the vote;
- b. Shall receive disposition of Council before a previous amendment or the question;
- c. The question shall be allowed only once and further amendment must be to the main question;
- d. Shall be relevant to the question to be received;
- e. Shall not propose a direct negative to the question;
- f. Shall be put in the reverse order to that in which it is moved.

13.23. Number of Amendments

Only one amendment shall be allowed to an amendment.

13.24. Motion to Receive

A motion to receive, moved after the main motion, is debatable and shall be treated as an amendment to the main motion.

13.25. Substantive Motion

An amendment shall be out of order if it is ruled by the Warden or Presiding Officer to be a substantive motion and not an amendment.

13.26. Rejection

An amendment which in effect is nothing more than a rejection of the motion is not in order.

13.27. Motion to consider matter previously deferred

A motion that the Council consider a matter previously deferred indefinitely or to a time or eventuality which has not yet been reached or occurred, is debatable and shall be presented only if the Council so decides, by a two-thirds majority vote.

13.28. Repetition

A motion called in the order in which it stands upon the order of proceedings of a meeting and which is not decided by Council, shall be allowed to stand retaining its precedence upon the order of proceedings of the next regular meeting of Council.

13.29. Reconsideration

A motion for reconsideration of a question which has been decided upon but not implemented may be made at any time by a Member and until decided by Council no further discussion of the question shall be allowed, but no such motion can be received which would require reconsideration of the same question more than once within the same calendar year.

13.30. Notices of Motion to be placed on Council Agenda

A notice of motion shall:
a. Be in writing;

- b. Shall include the name of the mover and seconder;
- c. Shall be received by the Clerk prior to 4:30 p.m. on the seventh business day preceding a regular meeting for inclusion in the Agenda for that meeting of the Council; and
- d. Remain on the Agenda for each succeeding meeting until the Motion is considered or otherwise disposed of.

13.31. Notice of Motion - Reports

The Clerk shall include in the Agenda materials any reports from Council Officials relating to a Notice of Motion submitted in accordance with the Procedural By-law

13.32. Notice of Motion - Inclusion on next Agenda

All Notices of Motions on the Agenda and not disposed of shall be placed on the Agenda for the next regular meeting of the Council.

13.33. Motions not proceeded with

When a Notice of Motion has been on the Agenda for two successive meetings after Notice has been given, and not proceeded with, it shall be dropped from the Agenda and deemed withdrawn, unless the Council decides otherwise.

14.0 Votes

14.1. Warden or Presiding Officer may vote

The Warden, Presiding Officer or Standing Committee Chair, except where disqualified to vote by reason of interest or otherwise, may vote with the other members on all question

14.2. Members present must vote

Every Member present at a meeting of the Council when a question is put shall vote on the question, unless prohibited by statute, in which case it shall be so recorded.

14.3. Members not voting - Deemed to vote in negative

If any Member at a meeting of the Council when a question is put and a recorded vote taken, does not vote, he or she shall be deemed as voting in the negative except where prohibited from voting by statute.

14.4. Majority vote required

All decisions of the Council shall require a majority vote except as otherwise set out herein.

14.5. Tie vote - Decided in negative

Any motion which receives an equal division of votes shall be deemed to have been decided in the negative.

14.6. Two-thirds votes

The following decisions of the Council require a two-thirds majority vote:

- a. A Motion to consider a matter previously deferred indefinitely or to a time or eventuality that has not been reached or occurred;
- b. A Motion to vote separately on any part of the Confirmatory By-law under section 11 of this By-law;
- c. A Motion to suspend the provisions of this By-law.

14.7. Recorded vote

At a Council meeting, when a recorded vote (weighted) is requested by a Member, or is otherwise required, the Clerk shall record the name and vote of every Member on any question.

14.8. Recorded vote – Recording method

Where a recorded vote is taken upon the appointment of an Officer of the Corporation or upon a By-law, Resolution, or for any other purpose, each Member present shall announce his vote openly and individually, and the Clerk shall record it.

14.9. No secret vote

Other than the election of the Warden, no other vote shall be taken by ballot or by any other method of secret voting, and every vote so taken shall be of no effect.

14.10. Recorded vote - Request

A request by a Member for a recorded vote at a Council meeting shall be made immediately prior to the commencement of the vote being taken, or immediately thereafter.

14.11. Vote called - Procedure

When the Warden or Presiding Officer calls for a vote on a question:

- a. each Member shall occupy his or her seat until the result of the vote has been declared by the Warden or Presiding Officer, and during this

time no Member shall walk across the room or make any disturbance;
and

- b. no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

14.12. Separate Votes

- a. Upon the request of any Member, and when the Warden or Presiding Officer is satisfied that a matter under consideration contains distinct proposals, the vote upon each proposal shall be taken separately.
- b. A vote to adopt a motion, as amended, may be split only for the purpose of complying with the Municipal Conflict of Interest Act.

14.13. Procedural Motions

The following are deemed to be procedural motions and shall be subject to consideration in the following order in priority to any substantive motion:

- a. To change the order of business;
- b. To adjourn and amendments thereto; and
- c. That the vote be now taken.

14.14. Substantive Motions

The following are deemed to be substantive motions and shall be subject to consideration in the following order:

- a. To refer the question, including any amendments thereto;
- b. To defer, including any amendments thereto;
- c. To receive;
- d. Amendments in the reverse order of presentation, dealing with an amendment to an amendment immediately before the amendment it proposes to amend;
- e. To adopt or upon the Motion to Adopt as amended, if any amendments have been carried, provided that a vote upon a motion to adopt or upon a Motion to Adopt, as amended, is not necessary when every provision or recommendation has already been voted on by the Council; and
- f. "Clause, as amended" which may be split only for the purpose of complying with the Municipal Conflict of Interest Act.

15.0 By-laws

15.1. By-law versus Resolution

A “**by-law**” shall be used, but not limited to, implement policy, memorandums of understanding, agreements and permanent rules. Whether an authorizing by-law is required depends on the subject matter of the item of business transacted by a municipal corporation and whether it is being transacted under the *Municipal Act, 2001*, as amended.

A “**resolution**” is a less permanent rule and shall express the decision of a council in respect of a temporary or distinct matter. A resolution shall not prescribe a permanent rule of local government. A resolution expresses the will of the governing body on a special occasion which is not likely to recur. A resolution shall not replace a by-law required by law.

15.2. Draft by-laws - Preparation

A Draft By-law intended to be introduced at a meeting of the Council shall be prepared before the meeting, and the Clerk shall distribute the draft by-law to the Members with the Agenda.

15.3. Numbering of By-laws

Each draft By-law, shall be numbered, and shall have listed on it a reference to the authority pursuant to which the by-law is to be introduced, and the date of the meeting at which it is intended to be introduced.

15.4. By-laws to confirm subject matter approved by Council

No draft By-law shall be presented to the Council unless the subject matter of the By-law has been considered and approved by the Council.

15.5. By-laws - Motion to Pass always in order

A motion to pass a By-law shall always be in order.

15.6. By-laws - Limited scope of debate

A motion to pass a By-law other than a Confirmatory By-law is debatable and amendable only in respect of the issue of whether or not the draft By-law prepared for that purpose is in proper form and whether it will, if passed as a By-law, duly implement the decision of the Council that led to its introduction.

15.7. By-laws - Three readings

Every proposed By-law shall receive three readings.

15.8. By-laws – First and second reading

Circulation of the By-law to the Members of the Council shall be deemed to be the first and second reading of the By-law.

15.9. By-laws - Third reading

The next reading of the title shall be deemed the third reading of the By-law. A motion confirming the three readings will be presented at the meeting where the By-law is to be adopted.

15.10. By-laws - Signing and sealing

The By-law shall be signed by the Warden and the Clerk as having been passed by Council, sealed with the seal of the Corporation of the County of Northumberland and numbered with a progressive number.

15.11. By-laws - Incorporation of amendments

All amendments to any By-law approved by the Council shall be deemed to be incorporated into the By-law and if the By-law is enacted and passed by Council, the amendments shall be inserted therein by the Clerk.

15.12. By-laws - Form

The Clerk shall endorse on all By-laws read in the Council the date of the three readings thereon and shall be responsible for the correctness of such By-laws should they be amended.

15.13. Confirmatory By-law

Upon completion of the business of the day, or immediately prior to any adjournment, or at any other time that the Warden or Presiding Officer deems it appropriate, the Warden or Presiding Officer shall entertain a motion for the enactment of a confirmatory By-law.

15.14. Confirmatory by-law - Not debatable

A motion for the enactment of a confirmatory By-law, or any part thereof, is not debatable or subject to amendment, and once put, the vote shall immediately be taken on it. A motion to pass any part of a confirmatory By-law may be voted upon separately, however, with a two-thirds majority vote.

15.15. Confirmatory by-law - Separated votes

Where a Member requests that a separate vote be taken on a particular item covered by a confirmatory By-law, the By-law shall be deemed to have been amended to exclude that item and, after the voting on the By-law is completed, another By-law to confirm the proceedings of the Council with respect to that item shall be presented to the Council as if it had been included in the motion for leave to introduce the original By-law.

15.16. By-laws - Dates of introduction

The Clerk shall endorse on all By-laws read in the Council the date(s) of their introduction and shall be responsible for the correctness of the By-laws.

15.17. By-laws - Clerk authorized to make minor changes

The Clerk is hereby authorized to make minor clerical, typographical or grammatical deletions, additions or other changes to any By-law for the purpose of ensuring correct and complete implementation of the actions of the Council.

15.18. By-laws - Deposited with Clerk

Every By-law which has been passed by the Council shall, immediately after being sealed with the seal of the Council and signed by the Warden or Presiding Officer and the Clerk and filed with the Clerk.

16.0 Minutes and Standing Committee Reports

16.1. Minutes for confirmation

Unless otherwise decided by the Council, the minutes of each meeting of the Council shall be submitted for adoption by the Council at its next regular meeting or as soon thereafter as is reasonably practicable.

16.2. Warden or Presiding Officer and Clerk to sign Council minutes

After the minutes of a previous meeting have been adopted, or approved as amended by the Council, the Warden or Presiding Officer and the Clerk shall sign them.

16.3 Standing Committee Minutes

Following a meeting of a Standing Committee, Minutes shall be prepared with recommendations to Council, for Council's consideration at the next Regular Meeting

17.0 Suspension of By-Law Provisions

17.1. Suspension of Procedural By-law - Two-thirds vote required

A Motion to Suspend or not to follow a Rule of Procedure established by this By-law shall require a two-thirds majority vote.

Subject to the requirements of the *Municipal Act*, the rules and regulations contained herein may be suspended by resolution for a matter that may have a significant impact or is considered an emergency as defined, by a vote of at least two-thirds of the entire Council, unless otherwise provided by law.

18.0 Amendments or Repeal to Procedural By-law

18.1. Procedural By-law - Amendment and Repeal

No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of Council unless a notice of intention has been given in accordance with the Notice Provision Policy.

18.2. Waiving Notice - Prohibited

The waiving of this notice by Council is prohibited in accordance with the Public Notice Policy.

This By-law shall not be repealed or amended nor shall it be suspended except as provided within the Procedural By-law, other than by a By-law passed by a two-thirds vote of the whole Council, and after notice in writing given and openly announced at the last preceding meeting of the Council setting forth the terms or substantial effect of the proposed by-law.

19.0 General

19.1 Procedures – Robert’s Rules of Order may apply

The most recent version of the Robert’s Rules of Order shall apply to matters not covered by this By-law.

19.2 Conflict

Should any sections of this by-law, including any section or part of any schedules attached hereto be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

Any conflict between this By-law and the provisions of the Act, the provisions of the Act prevail.

20.0 By-laws to be Repealed or Amended

That By-law 2020-60 be Repealed.

21.0 Effective Date

That By-law XX-2022 shall be deemed to have come into force on the 20th day of July , 2022.

R.J. (Bob) Crate, Warden

Nancy MacDonald, Clerk