



Northumberland
COUNTY

Procedural By-Law 21-14

June 2014



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By-Law No 21-14

A By-Law to Govern the Conduct of Members of the Council of the County of Northumberland

The Council of the County of Northumberland hereby enacts as follows:

I Definitions

1.1 In this By-law

- (a) “By-law” includes an amendment to a by-law;
- (b) “Confirmatory By-law” means by-law passed for the purpose of giving general effect to a previous decision or proceeding of the Council;
- (c) “Council” means the Council of the County of Northumberland;
- (d) “County” means the County of Northumberland;
- (e) “Clerk” means the Clerk of the County;
- (f) “Inaugural Meeting” means the Council’s first meeting after a regular election;
- (g) “Majority Vote” means an affirmative vote of more than one-half of the total votes cast of the Members present and voting;
- (h) “Meeting” means a meeting of the Council and includes a special meeting;
- (i) “Member” means a member of the Council and includes the Warden;
- (j) “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;

- (k) “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;
- (l) “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;
- (m) “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;
- (n) “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 business in order to assist a Member in understanding the Council’s procedures, making an appropriate motion, or understanding the effect of a Motion;
- (o) “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 official has been impugned or questioned by a member;
- (p) “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;
- (q) “Presiding Officer” means an Acting Warden or Presiding Officer appointed pursuant to sections 6.8 and 6.9;
- (r) “Procedural By-law” means this By-law, as amended from time to time;
- (s) “Recorded Vote” means the recording of a division on a matter, including 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, based on the population figures from Statistics Canada’s latest census figures for the County;
- (t) “Regular Election” means a regular election as defined in section 1 of the Municipal Elections Act;
- (u) “Two-thirds Majority Vote” means an affirmative vote of at least two-thirds of the total votes cast of the Members present and voting;

- (v) "Warden" means the Warden of the County.

II 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 shall be the Rules and Regulations for the order and dispatch of business in the Council.

III Inaugural Meeting

3.1 Inaugural Meeting - time and place

Subject to the provisions of the Municipal Act, 2001, S.O. 2001, c.25, the inaugural Meeting shall be held not later than the third Tuesday in December, at a time and place as may be fixed by the Council.

3.2 Inaugural Meeting - Certificate of Election

A member of the Council shall not take his or her seat until he or she has filed with the Clerk the certificate prescribed by the Municipal Act under the hand of the Clerk of the Municipality for which he or she was elected and the seal of the Corporation.

3.3 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.

3.4 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.

3.5 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.

3.6 Inaugural Meeting - Election of Warden - Clerk to preside

The Clerk shall preside over the election of the Warden or, if there is no Clerk, the Treasurer to preside.

3.7 Inaugural Meeting - Election of Warden or presiding officer - equality of votes

Equality of Votes:

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

Majority of Council Required:

In order to be declared Warden, the successful candidate must be elected by a majority of Council (50% + 1) ("greater number; more than half" as defined in Webster's Dictionary)

Tie Vote:

In case of an equality of votes, for Warden, the successful candidate shall be determined by the CAO or in his/her absence, by the Presiding Officer who will place 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 Presiding Officer.

IV Meetings of the Council

4.1 Meetings - Regular meetings

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

4.2 Meetings - Schedule of meetings

Regular meetings of the Council shall be held on the third Wednesday of every month. The schedule of meetings for each year, are to be approved by County Council annually.

4.3 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

4.4 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, facsimile or electronic mail and sent to each Member at least three business days before the scheduled date of the meeting.

4.5 Meetings - Notice of meetings

Except for the Inaugural Meeting, 10 (ten) day's notice of every regular meeting shall be given.

4.6 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.

4.7 Special meetings - Clerk may call

When the Warden or Presiding Officer is absent through illness or otherwise, or refuses to act, or when the office of the Warden or Presiding Officer is vacant, and when a majority of members requests a special meeting in writing, a Special Meeting of the Council shall be called by the Clerk.

4.8 Special Meetings - Agenda

The Agenda for all Special Meetings of the Council shall be prepared and printed by the Clerk.

4.9 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.

4.10 Special Meetings - Notice

Subject to section 4.11, notice of any Special Meeting shall be given by the Clerk to each Member at least 10 (ten) business days before the date of the meeting.

4.11 Special Meetings - Emergency

The Time of Notice requirement in section 4.10 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.

V The Head of Council or Presiding Officer

5.1 Head of Council to preside

The Warden, or the presiding officer appointed pursuant to section 5.2 or 5.3, shall preside at all meetings of the Council.

5.2 Presiding Officer - Appointment

In the absence of the Warden from a meeting, or if his office is vacant, or if he refuses to act, the Council may, from among the members, appoint a Presiding Officer, who, during such absence or vacancy or refusal to act, shall have rights and may exercise all the powers and authority of the Warden at such meeting.

5.3 Acting Warden - Appointment

The Council may by resolution appoint one of its members as Acting Warden to act as such when the Warden is absent from the municipality through illness or otherwise or his or her office is vacant and, while so acting, such member shall have and may exercise all the rights, powers and authority of the Warden.

5.4 Warden - Duties

The duties of the Warden shall be set out and as identified within the Municipal Act, 2001, S.O. 2001, c.25.

VI Establishing a Meeting for the Conduct of Business

6.1 Meeting - Quorum

A majority of the whole number of Members of the Council shall be necessary to form a quorum.

6.2 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.

6.3 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.

6.4 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.

6.5 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.

6.6 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.

6.7 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 Acting Warden or the Clerk shall call the Members to order and an Acting Warden, if not already appointed, or Presiding Officer, shall be appointed from among the Members present and he or she shall preside until the arrival of the Warden or Presiding Officer.

6.8 Meeting - Acting Warden or Presiding Officer may preside

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

6.9 Acting Warden or Presiding Officer - Powers

While presiding, the 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.

6.10 Members - Seat to become vacant by three months' absence

The seat of a member of a Council shall become vacant if he or she absents himself or herself from the Council for three successive months without being authorized to do so by a resolution of the Council entered upon its minutes.

6.11 Meeting - Adjournment

The Council may adjourn a meeting from time to time.

6.12 Meeting - Adjourned business

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

6.13 Meetings - Alternate Means for Councillors Attendance

Subject to receiving the Warden's approval in advance and providing that a quorum of County Council members are physically in attendance at any given Council meeting, a Council member who is unable to attend a scheduled County Council meeting in person, may have his attendance validated through electronic means such as Skype or telephone conference call and recorded in the Council

Minutes as such. The Council member will be allowed to vote on motions through these electronic means and the vote will be recorded in the Minutes of the Council meeting.

If all electronic means of attendance fail or are unavailable, the Council member will be deemed to be absent from the Council meeting which will be noted in the Council Minutes.

VII Meetings - Open Meetings

7.1 Meetings – Allowable Closed sessions

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

- (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) a request under the Municipal Freedom of Information and Protection of Privacy Act.
- (i) the purpose of educating or training the Council members where no member discusses, or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council.

7.2 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 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.

7.3 Meetings - No votes at closed meetings

Subject to section 7.4, votes may only be taken in closed meetings for giving directions or instructions to officers, employees, agents or persons retained by or under a contract.

7.4 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.

7.5 Meetings - expulsion of any person

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

VIII Meetings - Order and Conduct of Meetings

8.1 Warden or Presiding Officer - 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:

- (a) to open the meeting of the Council by taking the chair and calling the members to order;
- (b) to announce the business before the Council 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 restrain 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 him or her to vacate the Council Chamber;
- (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
- (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 conform to the laws and by-laws governing the authority and proceedings of the Council
- (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 arising in the Council Chamber.

8.2 Members – Conduct – Also refer to Appendix “A” – Council Code of Conduct

No Member shall:

- (a) speak disrespectfully of any member of the Royal Family, the Governor General, the Lieutenant Governor of any Province, the Council, or any Member or any official or employee of the County;
- (b) use offensive words or un-parliamentary language;
- (c) engage in private conversation while in the Council meeting or use cellular phones, pagers, in such manner as to interrupt the proceedings of the Council;
- (d) 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;
- (e) leave his or her place on adjournment until the Warden or Presiding Officer leaves the chair;
- (f) speak on any subject not properly raised under this By-law;
- (g) speak until he or she has risen and addressed himself or herself to the Warden or Presiding Officer;
- (h) 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;
- (i) where a matter has been discussed in a closed session, and where the matter remains confidential, disclose to any person the content of the matter or the substance of deliberations of the closed meeting;

- (j) disturb another Member of the Council by any disorderly deportment or conduct disconcerting to any Member speaking; or
- (k) disobey the rules of the Council or a decision of the Warden or Presiding Officer or of the Council on any question of order or practice or upon the interpretation of the rules of the Council. In case a Member persists in any such disobedience 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 consents thereto by a majority vote of the other Members present, determined without debate.

8.3 Meetings - No strangers on the floor of Council

No person except the Members and Officials of the Council shall be allowed to speak before the Council without the Warden or Presiding Officer's permission, except by the consent of Council.

8.4 Meetings - Non-Members prohibited

No person, media, photographers, other than a Member shall be allowed to speak to the Council without permission from the Warden or Presiding Officer.

8.5 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 Council.

8.6 Meetings - Delegations

No person other than a Member may address the Council other than as permitted under this By-law, except by acceptance of the Warden or Presiding officer or by the vote of Council.

IX Order of Business

9.1 Order of Business - Agenda

The Clerk shall have prepared and printed for the use of the Members at the meetings of the Council an Agenda under the following headings:

1. Call to order;
2. Approval of the Agenda;
3. Declaration of Direct (or indirect) Pecuniary Interest;
4. Presentations/Delegations;
5. Adoption of the Minutes of the Previous Meeting(s);
6. Adoption of the Closed Session Minutes of the Previous Meetings(s);
7. Business Arising from the Minutes;
8. Business Arising from Correspondence;
9. Staff Reports;
10. Enactment of By-laws;
11. New Business/Other Business;
12. Press Question Period;
13. Confirming By-law'
14. Adjournment

9.2 Agenda - Distribution

The Agenda, (including correspondence; minutes; reports; notices of motion and draft by-laws) shall be emailed, transmitted, faxed or sent by regular mail to the Members by the Clerk not fewer than six days preceding the regular meeting of Council.

9.3 Agenda - Preparation

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

9.4 Meetings - Order of Business

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

9.5 Meetings - Enquiries

All enquiries requiring a written answer shall be in writing.

9.6 Meetings - Motions not disposed of

All Motions called in pursuance of the Agenda and not disposed of, shall be placed at the foot of the List of Motions unless otherwise decided by the Council.

9.7 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.

9.8 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.

9.9 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.

9.10 Minutes - Adoption

Minutes of former sessions of Council which have been printed and circulated to the Members may on a two-thirds vote of the Members present and voting be adopted as printed or as amended by the Council by a two-thirds vote.

9.11 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.

9.12 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.

9.13 Communications - Role of Clerk

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.

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. Other requests for proclamations, upon approval, will be acknowledged by a standard letter of acknowledgement to the applicant and posted on the County Web Site.

9.14 Petitions - Presentation

A petition with respect to a matter within the jurisdiction of Council made over the signature of the subscribers shall be presented by a member who knows the contents thereof and vouches for the propriety of the petition, may be received on leave of Council, and shall be disposed of as Council may direct.

9.15 Delegations - Not permitted as of right

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.

9.16 Delegations - Time Limit

Where a person or a representative of any group wishes to address the Council on a matter which is included in the Agenda, he or she shall make a request to the Clerk, in writing, prior to 12:00 noon on the fifth business day preceding the meeting.

9.17 Delegations and Presentations

Persons desiring to make representations to the Council may be heard on leave of Council, but shall be limited in speaking to not more than ten minutes plus five minutes for questions and answers. Delegations consisting of more than five persons shall be limited to two speakers whose joint presentations shall not exceed ten minutes. Delegations consisting of fewer than five persons shall be limited to one speaker who shall be limited in speaking to not more than ten minutes.

9.18 Delegations - Time

The time involved in receiving and answering questions from Council members shall be limited to five minutes for each delegation and shall not be deducted from the time limited for the presentation of submissions.

9.19 Grants - Notice

No motion authorizing the making of a grant shall be brought before the Council unless one day's previous notice has been given.

X Rules of Debate

10.1 Speakers - Order

In directing the course of debate, the Warden or Presiding Officer 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.

10.2 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.

10.3 Questions by Speaker

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

10.4 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.

10.5 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.

10.6 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.

10.7 Questions of Members and Officials - Authority

Questions may be asked only:

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

10.8 Questions - Limit of number only

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

10.9 Questions - Time limit

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

10.10 Questions - Redundant

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

10.11 Speaking - Limitation to once

In addressing the Council 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, 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 fifteen minute period without leave of Council.

10.12 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.

10.13 Member not to interrupt other Member

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

10.14 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 or Presiding Officer may permit the Member or official to make a statement to the Council.

10.15 Points of Order - Requirement of Leave

When a Member rises on a point of order, point of privilege or point of personal privilege, he or she shall ask leave of the Warden or Presiding Officer 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.

10.16 Points of Order - Ruling by Warden or Presiding Officer

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

10.17 Points of Order - Challenging the Ruling

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

10.18 Points of Order - Ruling final

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

10.19 Points of Order - Challenge to ruling

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

10.20 Points of Privilege

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.

10.21 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.

10.22 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.

10.23 Debate on separated items

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

XI Voting

11.1 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.

11.2 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.

11.3 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.

11.4 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.

11.5 Additional items

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

- (a) the item relates to a matter on the Agenda for that meeting of the Council;
- (b) Leave is granted to present the matter in accordance with the provisions of Section 9.9; 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 considers it to be a matter of urgent public policy.

11.6 Consideration of items not distributed with Agenda

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

11.7 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.

11.8 Motions to be in writing

Except as provided for in section 11.9, every motion and proposed amendment shall be in writing and shall be moved and seconded before being debated or put to a vote.

11.9 Oral motions

The following matters may be introduced orally without leave:

- (a) a Point of Order, a Point of Privilege or a Point of Personal Privilege (sections 11.17);
- (b) a motion that the vote be now taken (section 11.18); and
- (c) a motion to suspend or not follow a rule of procedure (section 11.10).

11.10 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.

11.11 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.

11.12 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.

11.13 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.

11.14 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 10.16, a motion to refer or to defer, a

motion to receive, a motion to amend, the main motion or the main motion as amended.

11.15 Motion to adjourn - Not debatable when business has not been completed

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

- (a) when another Member is in possession of the floor;
- (b) when a vote has been called;
- (c) when the Members are voting; or
- (d) when a Member has indicated to the Warden or presiding officer his or her desire to speak on the matter before the Council.

11.16 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.

11.17 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.

11.18 Motion that vote be now taken

A motion that the vote be now taken is not debatable.

11.19 Motion that the vote be now taken - Member not allowed to speak to question again

A Member who moved a motion that the vote be now taken shall not be allowed to speak to the question again if the motion is decided in the negative.

11.20 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.

11.21 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.

11.22 Motions to Amend

A motion to amend is debatable.

11.23 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.

11.24 Number of Amendments

Only one amendment shall be allowed to an amendment.

11.25 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.

11.26 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.

11.27 Rejection

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

11.28 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.

11.29 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.

11.30 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.

11.31 Notices of Motion to be placed on 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) subject to section 9.7 shall remain on the Agenda for each succeeding meeting until the Motion is considered or otherwise disposed of.

11.32 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 section 9.7.

11.33 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.

11.34 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.

XII Votes

12.1 Warden or Presiding Officer may vote

The Warden or the Presiding Officer, except where disqualified to vote by reason of interest or otherwise, may vote with the other members on all questions.

12.2 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.

12.3 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.

12.4 Majority vote required

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

12.5 Tie vote - Decided in negative

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

12.6 Two-thirds votes

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

- (a) consideration of any matter at a special meeting other than a matter set out in the Notice of Special Meeting under section 9 of this By-law;
- (b) a Motion to consider a report or By-law that does not relate to a matter on the Agenda under section 9 of this By-law;
- (c) a Motion to consider a matter previously deferred indefinitely or to a time or eventuality that has not been reached or occurred under section 11 of this By-law;
- (d) a Motion to vote separately on any part of the Confirmatory By-law under section 11 of this By-law;
- (e) a Motion to suspend the provisions of this By-law under section 11 of this By-law.

12.7 Recorded vote

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.

12.8 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.

12.9 No secret vote

No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken shall be of no effect.

12.10 Recorded vote - Request

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

12.11 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.

12.12 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.

12.13 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.

12.14 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.

12.15 Voting by Telephone Poll

Telephone polls are permitted only in the event of an emergency, on the recommendation of the Chief Administrative Officer and with the approval of the Warden

- (a) When conducting the telephone poll, the Clerk must:
 - I. Contact members of Council by telephone, alphabetically, if possible;
 - II. Clearly, concisely outline the purpose of the poll, including information as to the reason for urgency;
 - III. If there is no answer, a telephone message must be left or an email message sent and receipted that indicates a deadline for a return call to the Clerks office;
 - IV. When conducting the poll, provide the same information to all members, without comment or sharing the results of how others have voted.
- (b) Poll outcomes are to be shared in an appropriate manner.
- (c) At the next regular meeting of Council, the item that was the subject of the telephone poll must be included so that the decision of the poll may be confirmed.

XIII By-laws

13.1 Draft by-laws - Preparation

Whenever possible any 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.

13.2 Numbering of By-laws

Each draft By-law, except a confirmatory 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.

13.3 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.

13.4 By-laws - Introduction by Member

Every draft By-law shall be introduced by a Member with the Council's permission, specifying the title or number of the By-law.

13.5 By-laws - Timing of introduction

The fact that a draft By-law is introduced at a meeting of the Council on a day other than that shown on the By-law, does not affect the validity of the By-law.

13.6 By-laws - Manner of dealing with the Council

Any number of draft By-laws may be introduced together in one motion, and may be referred to only by number, but the Council shall, at the request of any Member, deal separately with any draft By-law.

13.7 By-laws - Timing

Except as otherwise provided herein, a By-law may be introduced or passed on the same day upon which the subject matter of the By-law is decided by the Council.

13.8 By-laws - Motion to Pass always in order

Subject to section 11, a motion to pass a By-law shall always be in order.

13.9 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.

13.10 By-laws - Introduction with leave

Every proposed By-law shall be introduced by a Motion for Leave, specifying the title of the By-law and shall be decided without debate.

13.11 By-laws - Three readings

Every proposed By-law shall receive three separate readings, but not more than two such readings shall be had on the same day unless this rule is dispensed with by a two-thirds majority vote.

13.12 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

13.13 By-laws - Third reading

The next reading of the title shall be deemed the third reading of the By-law.

13.14 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.

13.15 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.

13.16 By-laws - Form

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

13.17 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.

13.18 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.

13.19 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.

13.20 By-law - Formalities

Upon the adoption of any, the By-law together with any amendments or changes, and the Warden or Presiding Officer and the Clerk shall then sign it, and the Clerk shall affix upon it the seal of the Council and the number of the By-law, at which time it becomes a duly enacted By-law of the Council.

13.21 By-laws - Dates of introduction

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

13.22 By-laws - Clerk authorized to make minor changes

Notwithstanding sections 13.24 and 13.25, the Clerk is hereby authorized to make minor clerical, typographical or grammatical deletions, additions or other changes in form to any By-law for the purpose of ensuring correct and complete implementation of the actions of the Council.

13.23 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, be deposited by the Clerk for security in a safe and convenient place.

XIV Minutes

14.1 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.

14.2 Warden or Presiding Officer and Clerk to sign 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.

XV SUSPENSION OF BY-LAW PROVISIONS

15.1 Suspension of Procedure By-law - Two-thirds vote required

A Motion to Suspend or not to follow a Rule of Procedure established by this By-law shall not be passed without a two-thirds majority vote.

XVI Amendments to By-law

16.1 Procedure By-law - Amendment and Repeal

This By-law shall not be repealed or amended nor shall it be suspended except as provided in section 13 hereof, 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.

16.2 Clerk - Duties

The Clerk shall:

- (a) truly record in a book without note or comment all resolutions, decisions and other proceedings of the Council;
- (b) record the names of all Members present.

16.3 Territorial jurisdiction of Council

Except where otherwise provided, the jurisdiction of the Council shall be confined to the County of Northumberland.

16.4 Minutes - Adoption

Minutes of former sessions of Council which have been printed and circulated to the Members at least six days previous to the session may be on a two-thirds vote of the Members present and voting be adopted as printed.

XVII General

17.1 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.

17.2 Conflict

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

XVIII Effective Date

18.1 That By-law 3-12 be Repealed

18.2 Date in force of By-law 21 -14

That By-law 21-14 shall be deemed to have come into force on the 18TH day of June, 2014.

Enacted and Passed this 18th day of June, 2014.



Policy No. By-law 02-08 – Council Code of Conduct

Approved January 9th, 2009

Policy

This policy outlines a written Code of Conduct which helps to ensure that the Members of Council share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the Legislative parameters within which the Members must operate. These standards should serve to enhance public confidence that the County of Northumberland's elected representatives operate from a base of integrity, justice and courtesy.

The County of Northumberland Code of Conduct is a general standard that augments the provincial laws and municipal by-laws that govern its conduct. It is not intended to replace a Members' personal ethics.

General

All Members shall serve their constituents in a conscientious and diligent manner. No Member shall use the influence of office for any purpose other than the exercise of his or her official duties.

Gifts and Benefits

Members should not, directly or indirectly, solicit any gift or accept/receive any gift, whether it be money, services, loan, travel entertainment, hospitality, promise, or any other gift/benefit if, (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In minor situations, such as tobacco and meal checks for example, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate Members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions or conventional hospitality.

This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits up to and including an annual value of \$500.00 that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of office.

Tokens, mementoes, souvenirs of gifts with a value of greater than \$500.00 shall be the property of the Municipality and should be reported and turned over to the Warden/C.A.O./Clerk.

Confidentiality of Municipal Information

It is every Council Member's responsibility to ensure that all information collected, produced or obtained in the course of his/her duties, whether in reports, memos, oral communication or electronic format, is as accurate as possible. No Council Member shall willfully mislead other Council Members, employees or the public about any issue of municipal concern.

It is the responsibility of each member of Council to ensure that confidential information, provided through Administration, other Council Members, solicitors, employees, the public or through any other party, is kept strictly confidential and not released without the approval of Council. Only with Council authority will Council Members give or release to anyone, confidential information acquired in the course of that Council Member's duties with the Municipality.

The following information must not be used or disclosed, except in accordance with the *Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA")*:

- Information which is personal;
- Information that constitutes the proprietary information of a third party, individual or group;
- Might reasonably be regarded as having been disclosed to the employee in confidence;
- Is of sensitive nature, or
- Imparts to the person in possession of such information an advantage not available to the public generally.

Council Members should consult with the Clerk if clarification is required.

Information acquired through the Council Member's position with the Municipality may not be used or disclosed in any personal external activity.

No Council Member shall benefit, either directly or indirectly, from the use of information acquired during the course of official duties, which is not generally available to the public.

Use of Municipal Property

Where a member makes use of any County of Northumberland property, equipment, supplies, or services of consequence, other than for purposes connected with the discharge of Council duties, it is incumbent upon the member to make restitution for any additional expenses which are incurred by the Municipality for use of said equipment, supplies or services.

No member shall obtain financial gain from the use of County developed intellectual property, computer programs, computer hardware, technological innovations, or other patent, trademark, copyright held of Northumberland County, while an elected Official, or thereafter. Such property remains the exclusive property of the County of Northumberland.

No member shall use information gained in the execution of his or her duties which is not available to the general public, or any purposes other than his or her official duties.

Work of a Political Nature

No member shall use Municipal facilities, services or property for his or her re-election campaign. No member shall use the services of County employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the Municipality.

Conduct at Council

During County Council meeting, Members shall conduct themselves with decorum in accordance with the County of Northumberland's Procedural By-law. Respect for deputations and for fellow Members and staff requires that all Members show courtesy and not distract from the business of the Council during presentations and when other Members have the floor.

Conduct Respecting Staff

Only Council as a whole has the authority to approve budget, policy, processes and other such matters. Accordingly, Members shall direct requests outside of Council-approved budget, process or policy to County Council as a whole.

Staff serves Council as a whole and the combined interests of all Members as evidenced through the decision of Council. Members shall be respectful of the role of staff to advise based on their professional expertise, political neutrality and objectivity

and without undue influence from any individual Member or faction of Council. Accordingly, no Member shall maliciously or falsely injure the professional or ethical reputation of staff.

No Member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any Member use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

Business Relations

No member shall act as a paid agent before Council except in the terms of the *Municipal Conflict of Interest Act*. A Member shall not refer a third party to a person, partnership or the corporation in exchange for payment or other personal benefit.

Discreditable Conduct

Harassment of another Member, staff or any member of the public is misconduct. It is the policy of the County of Northumberland that all persons be treated fairly in the workplace, in an environment free of discrimination and of personal and sexual harassment.

Harassment may be defined as any behaviour, by any person that is directed at, or is offensive to, another person, on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status and any other ground under the provisions of the ***Ontario Human Rights Code***.

Failure to Adhere to Council Policies and Procedures

A number of the provisions of this *Code of Conduct* incorporate policies and procedures adopted by Council. More generally, Members of County Council are required to observe the terms of all policies and procedures established by County Council.

This provision does not prevent a member of Council from requesting that County Council grant an exemption from a policy.

Reprisals and Obstruction

Members of Council should respect the integrity of the *Code of Conduct* and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner is therefore prohibited. It is also a violation of the *Code of Conduct* to obstruct the Integrity Commissioner in the carrying out of her or his responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications.

Integrity Commissioner

In accordance with the Municipal Statute Law Amendment Act, 2006, the Municipality has the authority to appoint an Integrity Commissioner to perform related to:

- Application of the *Code of Conduct* and other procedures, rules and policies governing ethical behaviour for Members of County Council;
- Penalties that may be imposed by the Municipality where the Integrity Commission reports that a Member of Council has contravened the *Code of Conduct* include:
 - Reprimand
 - A request for an apology to Council, the complainant, or both
 - Repayment or reimbursement of any moneys received
 - Suspension of pay.