

**THE CORPORATION OF THE TOWNSHIP OF STIRLING-RAWDON**

**BY-LAW NO. 362-03**

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**ENTITLED** a By-law to govern the proceedings of Council, Committees and Local Boards, the conduct of the members and the calling of meetings for the Corporation of the Township of Stirling-Rawdon.

**WHEREAS** pursuant to the Municipal Act, R.S.O. 2001, S.O. 2001, c. 25, Section 238, as amended every Council and local board shall adopt a procedure By-law for governing the calling, place and proceedings of meetings;

**AND WHEREAS** it is desirable that there be rules governing the order and procedure of the Council, Committees and Local Boards;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF STIRLING-RAWDON HEREBY ENACTS AS FOLLOWS:**

1. In this By-law:
  - (a) "Clerk" means the Clerk of the Corporation of the Township of Stirling-Rawdon.
  - (b) "Council" means the Council of the Corporation of the Township of Stirling-Rawdon.
  - (c) "Head" of Council means the Mayor.
  - (d) "Presiding Officer" means in the case of Council the Mayor or in his/her absence the Deputy Mayor, in the case of Committees, the person elected to act as the Chairperson.
2. The rules and regulations contained in this By-law shall be observed in all proceedings of the Council, Committees and Local Boards and shall be the rules and regulations for the order and the dispatch of business by Council and its Committees and Local Boards.
3. No standing rule or order shall be suspended except by a majority vote of the Council. However, Council is not permitted to suspend any statutory requirement with respect to its proceedings.

**Council and Committee Meetings**

4. Meetings of Council shall be held in the Council Chambers on the first and third Mondays of each month at 7:00 p.m. with the exception of July and August where one regular meeting will be held in each month at 7:00 p.m.
5. The inaugural meeting of Council shall be held at 5:00 p.m. on the first Monday in December in an election year.
6. If the date of a Council meeting falls on a Monday which is a statutory holiday, that meeting shall be held on the Tuesday immediately following the statutory holiday.
7. Council may, by Resolution, alter or cancel the date and/or time of a regular meeting provided that adequate notice of the change is given in accordance with the Township's notice by-law.
8.
  - (a) The Head of Council may, at any time, summon a special meeting.
  - (b) The Clerk shall summon a special meeting, upon receipt of a petition of the majority of the Council members, for the purpose and at the time and date mentioned in the petition.

- (c) Notice of all special meetings of Council shall be given to the Members through the Clerk's office.
  - (d) The only business to be dealt with at a special meeting is that which is listed in the notice of the meeting. Prior to dealing with any other item of business, Council must vote in favour of doing so, by a 2/3 (4 member majority).
  - (e) Unless otherwise specified in the notice described in Paragraph 8.(c) above, a special meeting shall be held in the Council Chamber.
- 9.
- (a) The Mayor shall preside at all meetings of the Council.
  - (b) When the Mayor is absent or refuses to act, or the office is vacant, the Deputy Mayor shall act in the place and stead of the head, and while so acting, the Deputy Mayor has and may exercise all the rights, powers and authority of the Mayor.
  - (c) Council shall, by resolution, at its inaugural meeting, appoint one of its members to the position of Deputy Mayor. Such appointment shall extend for the term of Council.
  - (d) Notwithstanding Paragraph 9.(b) above, the members may appoint another Presiding Officer from among themselves for the purposes of chairing a particular meeting.
  - (e) The Mayor or Presiding Officer may expel from a meeting anyone who engages in improper conduct.
- 10.
- (a) All Council and Committee meetings shall be open to the public.
  - (b) Notwithstanding Paragraph 10.(a) above, a meeting of Council or a Committee may be closed to the public if the subject matter being considered relates to:
    - i) the security of the property of the Township or local board;
    - ii) personal matters about an identifiable individual including municipal or local board employees;
    - iii) a proposed or pending acquisition or disposition of land by the municipality or local board;
    - iv) labor relations or employee negotiations;
    - v) litigation or potential litigation including matters before administrative tribunals, affecting the Township or a local board;
    - vi) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
  - (c) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act since Council is the Head of the Township of Stirling-Rawdon for the purposes of said Act.
  - (d) Before all or part of a meeting is closed to the public, the Council/ Committees/ Boards shall state by Resolution:
    - i) the fact of the holding of the closed meeting;
    - ii) the general nature of the matter considered at the closed meeting.

- (e) Subject to subsection (f) a meeting shall not be closed to the public during the taking of a vote.
- (f) Despite subsection 42 a meeting may be closed to the public during a vote if:
  - i) Subsection 10.(b) permits or requires a meeting to be closed to the public and;
  - ii) the vote is for a procedural matter or for giving directions or instruction to officers, employees or agents of the Township or persons retained by or under contract with the Township.
- (g) Meetings or sessions which are closed to the public may be referred to as in-camera meetings or sessions.

**Agendas and Supporting Material**

- 11. (a) The Clerk shall have prepared and printed for the use of the Members at the regular meetings of Council an agenda under the following headings:
    - (i) Call the Meeting to Order
    - (ii) Disclosure of Interest
    - (iii) Deputations
    - (iv) Minutes of the Previous Meeting(s)
    - (v) New Business/Correspondence
    - (vi) Unfinished Business
    - (vii) Municipal Officer's Report
    - (viii) Committee Reports
    - (ix) By-laws
    - (x) Motions and Notices of Motion
    - (xi) Adjournment
  - (b) Insofar as is practicable, Council agendas, along with supporting material shall be prepared and made available to members for pickup on the Friday, after 3:00 p.m., prior to a regular meeting.
  - (c) Individuals or groups wishing to appear before Council at a regular meeting shall, not later than 3 p.m. on the Thursday prior to the meeting, submit to the Clerk, in writing, such request and an outline of their proposal.
  - (d) The business of Council shall in all cases be taken up in the order in which it stands upon the agenda unless otherwise decided by the Council by a 2/3 majority vote.
- 12. The Secretary shall have prepared and printed for the use of the Members, at the public meetings of the Planning and Development Advisory Committee, an agenda under the following headings:

- (a) Motion for the Planning Advisory Committee to go into a Public Meeting to deal with the matter of an application for rezoning.
  - (b) Chairman/Presiding Officer to ask Secretary/Clerk if notice of the Public Meeting has been advertised in the local newspaper and/or mailed to all persons and agencies entitled to receive notice and on what date these notices were given.
  - (c) Chairman/Presiding Officer to ask the Secretary/Clerk to read any written submissions that have been received.
  - (d) Chairman/Presiding Officer to ask the Municipal Planning Consultant to explain:
    - 1. purpose of the by-law
    - 2. how the proposed by-law intends to accomplish this purpose.
  - (e) Chairman/Presiding Officer to ask any persons who are present to give a verbal or written presentation.
  - (f) Motion to close the Public Meeting and reconvene with general business.
13. The Secretary shall have prepared and printed for the use of the Members, at the regular meetings of the Planning and Development Advisory Committee an agenda under the following headings:
- (i) Call the Meeting to Order
  - (ii) Disclosure of Interest
  - (iii) Delegations
  - (iv) Minutes of the Previous Meeting(s)
  - (v) New Business/Correspondence
  - (vi) Unfinished Business
  - (vii) Adjournment

**Minutes**

14. In the minutes shall be recorded:
- (a) The place, date and time of meeting;
  - (b) The names of the Presiding Officer or Officers and record of the attendance of the Members;
  - (c) The reading, if requested, correction and adoption of the minutes of prior meetings;
  - (d) All other proceedings of the meeting without note or comment.

**Petitions and Communications**

15. Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk.

**Deputations**

- 16. Persons desiring to present information verbally on matters of fact or make a request of Council may be heard by leave of the Presiding Officer of Council, but shall be limited in speaking to not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes. In most cases, matters brought to the attention of Council by deputations, will be referred to the proper Committee for action.
- 17. Council may refuse to hear delegations when, in the opinion of the Council, the subject of the presentation is beyond the jurisdiction of the Township of Stirling-Rawdon.

**Quorum**

- A majority of the whole number of members required to constitute a Council is necessary to form a quorum.
- 18. If no quorum is present one half hour after the time appointed for a Council or Committee meeting, the Clerk or recording secretary shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting or until rescheduled.
- 19. If the number of members who, by reason of the Local Government Disclosure of Interest Act, 1994, are disqualified from participating in a meeting is such that there is no quorum, the rules and regulations under Section 13 of the Act shall apply.

**Curfew**

- 20. Council meetings shall stand adjourned at <sup>11:00 PM</sup> ~~9:00 PM~~, but business may be continued upon a resolution passed by unanimous vote.

**Duties of the Mayor**

- 21. It shall be the duty of the Mayor or other Presiding Officer:
  - (a) to open the meeting by taking the chair and calling the members to order;
  - (b) to announce the business before 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 the Members;
  - (d) to put to a vote all motions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
  - (e) to decline to put to vote motions which infringe upon the rules of procedure;
  - (f) to restrain the Members, within the rules of order, when engaged in debate, to have each member address the chair when engaged in debate or otherwise;
  - (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 the member to vacate the Council Chamber;

- (i) to receive all messages and other communications and announce them to the Council;
- (j) to authenticate by signature, when necessary, all By-laws, Resolutions and minutes of the Council;
- (k) to inform the Council when necessary or when referred to for the purpose, on a point of order or usage;
- (l) to appoint the Committees of Council. The Committee Chairperson shall be appointed from among the Committee members at its first meeting. The Mayor shall be an ex officio member of all Committees;
- (m) to represent and support the Council, declaring its will and implicitly obeying its decision in all things;
- (n) to ensure that the decisions of Council are in conformity with the laws and By-laws governing the activities of the Municipal Corporation;
- (o) to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber;
- (p) to adjourn the meeting when the business is concluded;
- (q) to order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chamber where such behaviour persists;
- (r) to oversee the conduct of all subordinate officers and as far as practicable cause all negligence, carelessness and violation of duty to be prosecuted and punished;
- (s) to communicate to the Council from time to time such information and recommend to it such measures as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality.

**Conduct of Members of Council and Guests**

22. No member or guest shall:

- (a) use offensive words or unparliamentary language in or against the Council or against any member;
- (b) speak on any subject other than the subject in debate;
- (c) criticize any decision of the Council except for the purpose of moving that the questions be reconsidered;
- (d) disobey the rules of the Council or a decision of the Presiding Officer or of the Council on questions of order or practice or upon the interpretation of the rules of the Council; and in case a Member/Guest persists in any such disobedience after having been called to order by the Presiding Officer, the Presiding Officer may forthwith put the question, no amendment, adjournment or debate being allowed, "that such Member/Guest be ordered to leave his seat for the duration of the meeting of Council" but if the Member/Guest apologizes he may, by vote of the Council, be permitted to retake his seat;
- (e) leave a meeting without first obtaining permission from the Mayor or Presiding Officer.

**Reading of By-laws and Proceedings Thereon**

23. No By-law except a By-law to confirm the proceedings of Council shall be presented to Council unless the subject matter thereof has been considered and approved by Council or recommended by a Committee of Council.
24. Every By-law shall be introduced specifying the title of the By-law.
25. Every By-law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any act and shall be complete with the exception of the number and date thereof.
26. The first reading of a By-law shall be decided without amendment or debate.
27. Every By-law shall have three readings prior to it being passed.
28. If Council so determines, a By-law may be taken as read.
29. The Clerk shall set out on all By-laws enacted by Council the date of the several readings thereof.
30. Every By-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Presiding Officer and shall be deposited by the Clerk in his office for safekeeping.

**Motions/Rules of Debate**

31. Notices of Motion: Notice of all new motions except motions listed in Clauses 49 and 50 shall be given in writing delivered to the Clerk not later than 3:00 p.m. on the Thursday preceding the next regular meeting so that the matter may be included in the Council agenda package. The motion shall be submitted to the Clerk in writing over the signature of the mover and shall be complete and correct.
32. Dispensing with Notice: Any motion may be introduced without notice if the Council, without debate, dispenses with notice on the affirmative vote of at least a simple majority of the Members present and voting.
33. Seconding: A motion must be formally seconded before the Presiding Officer can put the question to a vote or a motion can be recorded in the Minutes.
34. Presentation of Motion by Chairman: When a motion is presented in Council in writing, it shall be read or if it is a motion which may be presented orally, it shall be stated by the Presiding Officer before debate.
35. Amendment:  
A motion to amend shall:
  - be presented in writing
  - receive disposition of Council before a previous amendment or the main motion
  - not be further amended more than once provided that further amendment may be made to the main motion
  - be relevant to the main motion
  - not be received proposing a direct negative to the main motion

- may propose a separate and distinct disposition of a main motion.
- 36. Questions Stated: Immediately prior to voting on a motion, the Mayor or Presiding Officer shall state the motion in the precise form it is to be recorded in the minutes, including any amendments to the question.
- 37. No Interruption after question: After a motion is finally put by the Presiding Officer no Member shall speak to the motion nor shall any other motion be made until after the vote is taken and the result has been declared.
- 38. Unrecorded Vote: The manner of determining the decision of the Council on a motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, standing or otherwise.
- 39. Recorded Vote: Where a vote is taken for any purpose and a member requests, immediately prior to or immediately subsequent to the vote, that the vote be recorded, each member present, except a member disqualified from voting by any Act, shall, in an order determined by the Mayor or Presiding Officer, announce their vote openly, and any failure to vote by a qualified member shall be deemed to be a negative vote and the Clerk shall record each vote.
- 40. The Mayor or Presiding Officer, except where disqualified to vote, may vote on all questions and when so doing, shall vote last.
- 41. Except where expressly provided in Statute, any question on which there is an equality of votes shall be deemed to be defeated.
- 42. Subject to Subsection 10 (e) no vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.
- 43. Unless otherwise authorized by the Mayor or Presiding Officer, all members shall address Council through the chair and only when recognized to do so.
- 44. When two or more members seek to address Council, the Mayor or Presiding Officer shall designate the member who may speak first.
- 45. Every member present at a meeting of the Council when a question is put forward shall vote thereon unless prohibited by statute.
- 46. When the Presiding Officer calls for the vote on a question, each member shall occupy his/her seat and shall remain in his/her place until the result of the vote has been declared by the Presiding Officer, and during such time no Member shall walk across the room to speak to any other Member or make any noise or disturbance.
- 47. When a Member is standing and speaking no other Member shall pass between him and the Chair or interrupt him except to raise a point of order.
- 48. Any Member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member while speaking.
- 49. The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by these Rules of Procedure:
  - (i) a point of order or personal privilege;
  - (ii) presentations of petitions;
  - (iii) to lay on the table (to defer temporarily);
  - (iv) to postpone indefinitely or to a specific day;

- (v) to move the previous question (immediate vote on the main motion).

50. The following motions may be introduced without notice and without leave but such motions shall be in writing and signed:

- (i) to refer;
- (ii) to adjourn;
- (iii) to amend;
- (iv) to suspend the rules of procedure.

51. Except as provided in Paragraph 48 all motions shall be in writing and signed by the mover and seconder.

52. In all unprovided cases in the proceedings of the Council or in the Committee of the Whole, the matter shall be decided by the Presiding Officer, subject to an appeal to the Council upon a point of order.

**Points of Order and Privilege**

53. The Presiding Officer shall preserve order and decide questions of order.

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

**General**

55. In all matters and under all circumstances the members shall be guided by and shall have regard to The Municipal Conflict of Interest Act, as amended.


56. The proceedings of the meetings of the Stirling and District Joint Arena Board and the conduct of its members shall, in so far as is possible, be governed by this by-law subject to the exception noted in Schedule "A" which is attached to and forms part of this by-law.

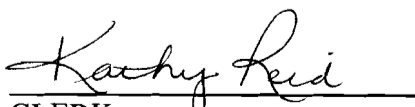
57. No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given in accordance with the Township's notice by-law..

58. This By-law shall come into force and take effect on December 1, 2003.

59. That By-law No. 17-97 and By-law No. 231-01 are hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS**  
*1st DAY OF December, 2003.*

  
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 MAYOR

  
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 CLERK

**SCHEDULE "A" TO BY-LAW NO. 362-03**  
**PROCEEDINGS OF MEETINGS**  
**OF THE**  
**STIRLING AND DISTRICT JOINT ARENA BOARD**

**EXCEPTIONS**

The proceedings of the meetings of the Stirling and District Joint Arena Board and the conduct of its members shall, in so far as is possible, be governed by By-law No. 362-03 subject to the exceptions as follows:

**Date and Time of Meetings**

- 1) The inaugural meeting of the Stirling and District Joint Arena Board shall be held in the Arena meeting room at 7:00 p.m. on the third Tuesday in January following an election.
- 2) Regular meeting of the Stirling and District Joint Arena Board shall be held in the Arena meeting room at 7:00 p.m. on the third Tuesday of each month.
- 3) The Board may, by Resolution, alter or cancel the date and/or time of a regular meeting provided that adequate notice of the change is posted and published in a local newspaper.