

**THE CORPORATION OF THE TOWN OF PERTH**  
**BY-LAW NO. 5141**

**Being a by-law to establish the rules governing the order and proceedings of Council and Committees of The Corporation of the Town of Perth (Procedural By-law)**

**1. RECITALS:**

- 1.1 Section 238 (2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (“the Act”), requires that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings.
- 1.2 Section 238 (2.1) of the Act requires that the procedure By-law shall provide for public notice of meetings.
- 1.3 Public Notice has been provided as required by the Public Notice Policy.
- 1.4 The Committee of the Whole has reviewed Report 2024-COW-4.9 and concurs with the staff recommendation to pass By-law No. 5141, being the updated meetings procedural by-law and to repeal By-law No. 3974 as amended.
- 1.5 The Council of The Corporation of the Town of Perth deems it advisable to pass this by-law.

Accordingly, the Council of The Corporation of The Town of Perth enacts as follows:

**2. AUTHORIZATION**

- 2.1 That By-law No. 5141, being a by-law to establish the rules governing the order and proceedings of Council and Committees of The Corporation of the Town of Perth (Procedural By-law), be adopted.


**3. SCHEDULES**

- 3.1 That Schedule “A” attached hereto and forming part of this by-law be adopted.

**4. EFFECTIVE DATE**

4.1 This by-law shall come into force and effect on the date it is passed by Council.

Read a first, second and third time and finally passed this 19th day of March, 2024.



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Judy Brown, Mayor



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Susan Beckel, Clerk

SEAL

## Schedule "A" to By-law No. 5141

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## 1.0 DEFINITIONS

For the purpose of this By-law:

**"Act"** - shall mean the Municipal Act, 2001, S.O. 2001, c. 25 as amended from time to time.

**"Acting Chair"** - shall mean the Member who is temporarily appointed to serve in the Chair's place.

**"Agenda"** - shall mean the written Order of Business to be discussed at a meeting and is considered one form of notice for a meeting.

**"Attendee"** - shall mean a person, other than a Member or Staff, who is present at a meeting.

**"By-law"** - shall mean a local law that has been enacted by Council in order to exercise a power provided in an Act.

**"Chair (Presiding Officer)"** - shall mean the Member who presides at a Council or Committee Meeting.

**"CAO"** - shall mean the CAO (CAO) or designate duly appointed by the Municipality as prescribed in Section 229 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

**"Clerk"** - shall mean the person or designate duly appointed by the Municipality as prescribed in Section 228 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

**"Close Debate (Call the Question)"** - shall mean a motion requiring that debate be closed and the vote on the motion be taken immediately.

**"Closed Session (In-Camera)"** - shall mean a meeting or part of a meeting closed to the public as prescribed in Section 239 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

**"Code of Conduct"** - shall mean the Code of Conduct for Members of Council and Local Boards as prescribed in Section 223.2 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

**"Committee"** - shall mean any Committee established by Council, including but not limited to, any Committee of the Whole, Task Force, Working Group or Advisory Panel, but does not include Committee of Adjustment.

**"Committee of the Whole Meeting (COW)"** - means a Standing Committee Meeting of Council in which the entire Council becomes a committee for the

purpose of conducting business and providing recommendations to Council for consideration.

**"Confidential Item"** - shall include but not limited to the following:

- a. any matter marked "confidential" by Staff;
- b. any matter or item of a confidential nature which has not been lawfully published, disclosed or provided to the public by the Municipality, or introduced, received or made available to the public at a Public Meeting or Information Session/Centre;
- c. a record of any matter in respect of which a meeting or part of a meeting may or shall be closed to the public pursuant to the *Municipal Act* or under this By-law;
- d. any matter which could form the subject matter of an exemption from disclosure or a prohibition against disclosure, pursuant to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56;
- e. any matter which the Municipality is prohibited from disclosing pursuant to any contract, legislation or other lawful authority; and
- f. any communication with the Municipality's solicitors.

**"Confirmation of Proceedings By-law"** - shall mean a By-law passed prior to adjournment of every Council Meeting to confirm by By-law the resolutions and actions of Council taken at that meeting.

**"Consent Agenda"** - shall mean a component of a Council Agenda that enables Council to list all motions and by-laws unanimously approved at Committee of the Whole Meeting as a single item to be considered by one Motion.

**"Correspondence"** - shall include, but is not limited to, letters, memos, notices, emails, faxes, petitions, brochures, newspaper/magazine articles, etc.

**"Council"** - shall mean the Municipal Council of the Municipality and includes the Mayor, Deputy Mayor and five (5) Councillors.

**"Council Meeting(s)"** - includes Regular, Special and Emergency Meetings of the Council of the Municipality.

**"Councillor"** - shall mean a person elected or lawfully appointed to the Council of the Municipality.

**"County Council Alternate"** - shall mean a Member of Council appointed by Council to represent the Town of Perth at any County Council or County Committee meeting in the absence of the Mayor or Deputy Mayor.

**"Debate"** - shall mean discussion on the merits of the recommendation, question or motion and whether the proposed action should or should not be taken.

**"Delegation"** - shall mean a person or group of persons, to a maximum of two (2) persons, who are not Members of Council or municipal Staff who have requested and are permitted to address Council or Committee, individually or on behalf of a group, with respect to the requested topic which was approved and listed on the Agenda for that Meeting in accordance with the provisions of this By-law.

**"Department Head"** - shall mean the person or designate in charge of a municipal department and/or service area.

**"Deputy Clerk"** - shall mean the Deputy Clerk for The Corporation of the Town of Perth who is duly appointed by by-law.

**"Deputy Mayor"** - shall mean the Member of Council elected by general vote as the Deputy Mayor.

**"Electronic Device"** – shall mean a cellular phone, pager, smart phone, personal digital assistant, smart watch, tablet, computer with a link to the internet, voice recorder, camera or any other similar piece of technological equipment.

**"Electronic Meeting"** - shall mean a meeting called and held in full or in part via electronic means, including, but not limited to, audio teleconference, video teleconference or via means of the internet, and with or without in person attendance.

**"Emergency"** - shall mean a situation that poses an immediate threat to the Municipality.

**"Ex-officio Member"** - shall mean an individual, by right of office (holding one position by virtue of holding another) who is granted the right to sit as a member, and is entitled to vote, make motions, and does not form part of the quorum.

**"External Board"** - shall mean an organization operating external to The Corporation of the Town of Perth, to which Council appoints a Member(s) of Council and/or citizen member(s) to its board of directors, and shall include but not be limited to: Rideau Valley Conservation Authority, Perth & Smiths Falls District Hospital.

**"Land Acknowledgement"** - shall mean the following statement read at all Council Meetings:

*"We (I) respectfully acknowledge that the land on which we gather is the traditional home of various Indigenous Peoples. As we work towards reconciliation, may we all live with respect on this land and live in peace and friendship with all its diverse peoples."*

**"Local Board"** - shall mean a municipal service board, transportation commission, public library board, board of health, police services board, planning board or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one



or more municipalities joint boards, excluding a school board and a conservation authority.

**"Main Motion"** - shall mean a Motion whose introduction brings business before the Meeting.

**"Majority Vote"** - shall mean a vote where over half of the Members present, and eligible to vote, vote in the same manner.

**"Mayor"** - shall mean a person elected by general vote as the Mayor and is the Head of Council, and who normally presides at all Council Meetings.

**"Mayor's Declaration"** - shall mean a proclamation issued by the Mayor that officially recognizes the importance of an event, a campaign, or an organization of significance, interest or benefit to the citizens of the Town of Perth for a particular day, week or month. A Mayor's Declaration shall not constitute a personal or civic endorsement. No requests for Mayor's Declarations or Mayor's Declarations shall be included on any Committee of the Whole or Council meeting agenda, but may be posted on the Town's website and/or social media sites as authorized by the Mayor at his/her discretion.

**"Meeting"** - means any regular, special or other Meeting of a Council, of a Local Board or of a Committee of either of them, where,

- a. a Quorum of Members is present; and
- b. Members discuss or otherwise deal with any matter in a way that materially advances or is intended to advance the business or decision-making of the Council, Local Board or Committee

**"Meeting Schedule"** - shall be deemed the Council/Committee Calendar containing the dates of Council and Committee of the Whole Meeting dates, including other reserved dates confirmed each year by resolution of Council.

**"Member"** - shall mean a Member of Council or a Member of a Committee or Local Board.

**"Minutes"** - shall mean a record of the proceedings of a meeting, and shall be made by the Clerk or designate without note or comment.

**"Motion"** - shall mean a recommendation made to Council for consideration.

**"Municipality"** - shall mean The Corporation of the Town of Perth.

**"Notice"** - shall mean an announcement made in writing under this By-law or the Town's Public Notice Policy, typically relating to a Meeting.

**"Order of Business"** - shall mean the sequence of business under consideration at a Meeting.

**"Pecuniary Interest"** - shall mean a direct or indirect pecuniary (monetary) interest within the meaning of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended.

**"Point of Order"** - shall mean any alleged breach of the rules or irregularity in the Proceedings of a Meeting.

**"Point of Privilege"** - shall mean a statement by a Member calling attention to a matter where the integrity of an individual (personal) or the entire Council or Committee is perceived to be in question.

**"Presentation"** - shall mean the occurrence when, Staff, an individual or group have been invited to present information to Council or Committee.

**"Proceedings"** - shall mean the business conducted at a Meeting.

**"Public Information Session/Centre"** - shall be held for the purpose of presenting projects, proposals or issues, to inform and/or receive input.

**"Public Meeting (Statutory)"** - shall be deemed a meeting held for the purpose required under an Act or Regulation.

**"Quorum"** - shall mean the minimum number of Members required to be present at the Meeting, and it means the majority (half of the total Members rounded up to the next whole number), in order that business may be conducted. A Member may be present either in person or by electronic means.

**"Recommendation"** - shall mean a proposed action made by a Committee to be brought forward in the form of a Motion for final approval by Council.

**"Recess"** - shall mean a break from a Meeting.

**"Recorded Vote"** - shall mean documenting in the Minutes of a Council Meeting the name of each Member and the Members' vote on a matter or question.

**"Resolution"** - shall mean a Motion that has been passed by Council.

**"Special Meeting"** - shall be deemed a Council or Committee of the Whole Meeting which is in addition to the Meeting Schedule.

**"Standing Committee"** - shall be deemed a Committee of Council constituted to perform a continuing function and which has a continuous existence. For the purpose of this By-law the Committee of the Whole is deemed to be a Standing Committee.

**"Striking Committee"** - shall be deemed a Committee of Council for the purpose of preparing recommendations for all appointments to various Committees, Local Boards and external organizations, and other duties as approved by Council.

**"Summer Recess"** - shall be deemed to be the month of July each year where no Council or Committee meetings are held unless a Special or Emergency Meeting is called by the Mayor or a petition of Council is received.

**"Two-thirds Vote"** - shall mean a vote where at least two-thirds of the Members present, and eligible to vote, vote in the same manner. Two-thirds for the purpose of Town Council or Committee of the Whole shall mean at least five (5) Members.

**"Website"** – shall mean the official website maintained by the Municipality – perth.ca

## **2.0 INTERPRETATION**

- 2.1** The rules and regulations contained in this By-law shall be observed in all Proceedings of Council and its Committees and shall be the rules and regulations for the order and dispatch of business at Meetings of Council and its Committees.
- 2.2** Subject to the requirements of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (hereinafter "the Municipal Act"), the rules and regulations contained herein may be suspended by Resolution for a single occasion by a vote of at least two-thirds of the Members present and voting, unless otherwise provided by law.
- 2.3** Committees may not pass a Motion to suspend the rules of this By-law.
- 2.4** Subject to the right of appeal by a Member, the Chair shall be responsible to interpret the rules of procedure under this By-law with the advice and assistance of the Clerk.
- 2.5** The Clerk shall be the Recording Secretary of Council and Committee of the Whole and shall attend all Meetings.
- 2.6** Where procedural matters of Council or Committees of Council are not provided for in this By-law and are not governed by the Municipal Act and/or the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as amended, Robert's Rules of Order shall apply.
- 2.7** This By-law may be referred to as the "Procedural By-law".

## **3.0 ROLE OF THE MAYOR AND DEPUTY MAYOR**

- 3.1** The Mayor shall:
  - 3.1.1** act as chief executive officer of the Municipality;

- 3.1.2 preside over Council Meetings;
- 3.1.3 provide leadership to Council;
- 3.1.4 provide information and recommendations to Council with respect to the role of Council;
- 3.1.5 represent the Municipality at community events and official functions;
- 3.1.6 direct administrative matters to the attention of the CAO;
- 3.1.7 carry out the duties of the Head of Council under applicable By-laws or Acts;
- 3.1.8 shall be an Ex-officio Member of all Committees of Council; and
- 3.1.9 shall be permitted to wear the "Chain of Office" only when conducting official Council business.

**3.2** As chief executive officer, the Mayor shall:

- 3.2.1 uphold and promote the purposes of the Municipality;
- 3.2.2 promote public involvement in the Municipality's activities;
- 3.2.3 act as the representative of the Municipality both within and outside the Municipality, and promote the Municipality locally, nationally and internationally;
- 3.2.4 participate in and foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents.

**3.3** The Deputy Mayor shall:

- 3.3.1 fulfill the duties of a Council Member as outlined in Section 4.1 below; and
- 3.3.2 assume the duties of the Mayor in their absence.

**4.0 ROLE OF COUNCIL MEMBERS**

**4.1** Council Members shall:

- 4.1.1 represent the public and consider the well-being and interests of the Municipality;
- 4.1.2 develop and evaluate the policies and programs of the Municipality;
- 4.1.3 determine which services the Municipality provides;
- 4.1.4 ensure that administrative policies, practices and procedures are in place to implement the decisions of Council;
- 4.1.5 ensure the accountability and transparency of the operations of the Municipality;
- 4.1.6 maintain the financial integrity of the Municipality;
- 4.1.7 carry out the duties of Council under applicable By-laws or any Act;
- 4.1.8 participate in the rotation for Chair of Committee of the Whole;
- 4.1.9 come prepared to every Meeting by having read all the material supplied, including Agendas and reports, in order to facilitate discussion;
- 4.1.10 respect and adhere to policies set by Council; and,
- 4.1.11 ensure they notify the Clerk, when they are aware that they will be absent from any Meeting.

## **5.0 ROLE OF THE CHAIR**

### **5.1 A Chair shall:**

- 5.1.1** preside over Council or Committee Meetings;
- 5.1.2** provide order and decorum;
- 5.1.3** be the political liaison with other Council and Committee Members;
- 5.1.4** review and understand the Agenda with the Clerk;
- 5.1.5** provide Council or the Committee direction when required regarding Meeting conduct and procedures;
- 5.1.6** represent Council initiatives and decisions to the public, where appropriate;
- 5.1.7** not have the authority to direct Department Heads or Staff; and
- 5.1.8** work with the Mayor and CAO to take the lead role, where possible, on provincial delegations, in particular at the Association of Municipalities of Ontario (AMO) and the Rural Ontario Municipal Association (ROMA).

## **6.0 VACANCY ON COUNCIL**

- 6.1** If a vacancy occurs during the term of the current Council, such vacancy shall be filled in accordance with the Municipal Act.
- 6.2** The Appointment Process to Fill a Vacancy shall be conducted in accordance with Schedule "F".

## **7.0 RULES OF CONDUCT FOR MEMBERS, STAFF AND ATTENDEES**

### **7.1 Chair at Meetings**

- 7.1.1** The Mayor shall chair Council Meetings unless by reason of absence, he/she is unable or refuses to do so.
- 7.1.2** In the absence of the Mayor for a Council Meeting, or when the Mayor steps down, the Deputy Mayor shall assume the Chair. In the absence of the Deputy Mayor, a Member of Council shall be appointed as Chair for that Meeting or portion thereof.
- 7.1.3** The Chair of the Committee of the Whole shall rotate, alphabetically by surname, among all Members, including the Mayor, on a monthly basis. Should the assigned Member be unable to Chair, the next Member on the list shall be called upon to Chair the meeting.
- 7.1.4** At least one (1) Member of every Committee shall be a Member of Council.
- 7.1.5** In the absence of a Committee or Local Board Chair or when the

Chair steps down, the Committee or Local Board shall appoint an Acting Chair for that Meeting or portion thereof.

- 7.1.6** It shall be the duty of the Chair of a Meeting to:
- a. ensure that a Quorum is established and is maintained throughout the course of the Meeting;
  - b. open the Meeting by calling the Meeting to order;
  - c. announce the business in the order in which it is to be considered;
  - d. direct discussion in such a manner that all questions and comments shall be presented through the Chair;
  - e. receive all Recommendations and Motions presented by the Members;
  - f. call the vote for all Recommendations and Motions, and to announce the result of each vote;
  - g. decline to put to vote Motions that infringe upon the rules under this By-law or the Municipal Act;
  - h. ensure the Members, Staff and Attendees, conform to the rules of order under this By-law, and subsequently expel any Member, Staff or Attendee for improper conduct at a meeting;
  - i. maintain an appearance of impartiality on all matters;
  - j. undertake all matters required to ensure the Meeting proceeds in an orderly and efficient manner;
  - l) authenticate by signature all applicable by-laws and minutes as required; and
  - m) Adjourn the Meeting when the business is concluded, or at the designated time.

**7.1.7** The Chair shall vote on all Motions or Recommendations.

**7.1.8** The Chair may answer questions and comment in a general way, but if the Chair wishes to participate in debate, make a Motion, speak to a Motion under consideration or leave the chair for any other reason, the Chair shall first delegate the duties of the Chair to a Member of Council or Member of the Committee in accordance with the provisions of this By-law, until the Member resumes the position of the Chair.

**7.1.9** The Chair shall not resume the position of the Chair until the Chair has finished debating the issue, Motion, etc., at which time the Acting Chair shall relinquish the position of the Chair.

## **7.2 Questions**

**7.2.1** All Members, Staff and Delegations shall address their questions and comments through the Chair.

**7.2.2** A Member or Delegation, while asking questions through the Chair, shall at no time put into question the personal or professional

integrity of a Staff member of the Municipality.

### **7.3 Speaking at Meetings**

**7.3.1** When two (2) or more Members wish to speak, the Chair shall name the Member who shall speak first.

**7.3.2** When a Member is recognized by the Chair, the Member shall confine his/her remarks to the Motion under consideration.

**7.3.3** When a Motion is under debate, a Member may ask a question through the Chair of another Member, CAO, Department Head or other employee of the Municipality.

**7.3.4** 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.

### **7.4 Statements**

**7.4.1** Members are permitted to make statements as part of the debate once a Motion has been moved and seconded, however statements from Members are prohibited at any other time.

### **7.5 Materials**

**7.5.1** All materials shall be distributed through and by the Clerk.

### **7.6 Rules of Order**

**7.6.1** No Attendee shall:

- a. disturb a Meeting by any disruptive or distracting conduct, including private conversations among Members, Staff or Attendees at a meeting;
- b. use profane or offensive words or insulting expressions;
- c. disobey the rules of procedure;
- d. rise from their seat or make any noise or disturbance while a vote is being taken;
- e. speak unless they have been recognized by the Chair;
- f. speak on any matter other than the matter under debate
- g. display signs, placards, posters, applaud, heckle or engage in telephone or other conversation or any behaviour which may be considered disruptive, as determined by the Chair; or
- h. participate in a Meeting, unless listed on the Agenda as a Delegation or Presentation and shall be subject to the rules and procedures of this By-law.

**7.6.2** No Member or Attendee shall interrupt a Member who is speaking, except to raise a Point of Order or a Point of Privilege.

**7.6.3** No Member shall permanently leave the Meeting without advising the Chair or the Clerk.

**7.6.4** A Member or Attendee that breaches a rule of order set out in this Section, or otherwise disrupts the Meeting, will receive a warning from the Chair. If the conduct persists, the Chair may ask the Member or Attendee to leave the Meeting. If the person does not leave the Meeting when requested by the Chair, the Chair shall direct the CAO or Clerk to seek the appropriate assistance from the Lanark County Ontario Provincial Police (OPP) to have the Member or Attendee removed from the Meeting.

**7.6.5** Videotaping and/or audio recording by Attendees may be permitted at Council and/or Committee of the Whole meetings that are open to the public provided that it is not disruptive to the Meeting proceedings and does not interfere with the municipal computer and/or audio visual systems.

## **7.8 Electronic Devices and Recording Equipment**

**7.8.1** All Electronic Devices shall be placed on an inaudible setting during any Meeting, except for assistive devices or other accessibility provisions.

**7.8.2** During a Council or Committee meeting, Members shall use laptops (or equivalent devices) exclusively for Municipal business.

## **8.0 COUNCIL AND COMMITTEE MEETINGS**

### **8.1 General**

**8.1.1** Council and Committee of the Whole Meetings shall be recorded and live streamed.

### **8.2 Inaugural Meeting**

**8.2.1** The Inaugural Meeting shall be conducted in accordance with Schedule "A".

### **8.3 Council Meetings**

**8.3.1** Council Meetings shall generally be held in the Council Chambers in the Town Hall, 80 Gore Street East, Perth, on the third Tuesday of each month commencing at 5:30 p.m., as outlined in the Meeting Schedule.



## **8.4 Committee of the Whole Meetings**

- 8.4.1** Council shall conduct its business using a Committee of the Whole System. Committee of the Whole Meetings shall generally be held in the Council Chambers in the Town Hall, 80 Gore Street East, Perth, on the first Tuesday of each month commencing at 5:30 p.m. as outlined in the Meeting Schedule.
- 8.4.2** The authority of the Committee of the Whole is limited to the making of recommendations to Council only. No decision to take any action or do anything other than matters administrative in nature shall be recognized as emanating from the Committee of the Whole.
- 8.4.3** All affirmative Committee of the Whole recommendations shall be referred to the next regularly scheduled Council Meeting for consideration.
- 8.4.4** Recommendations presented at Committee of the Whole and not approved by the Members shall not be brought forward to Council for consideration.

## **8.5 Special Meetings**

- 8.5.1** The Mayor at any time may call a Special Meeting of the Committee of the Whole or Council that is in addition to the published Meeting Schedule approved annually by Council.
- 8.5.2** A Special Council or Committee of the Whole meeting may be called by the Clerk once a resolution to do so has been adopted by Council or upon receiving direction from a majority of Council or Committee of the Whole Members, via email, phone or in person, agreeing to hold such Meeting.
- 8.5.3** The direction to hold a Special Meeting shall state the purpose, date and time of the Special Meeting.
- 8.5.4** The only business to be dealt with at a Special Meeting shall be that stated on the Agenda of the Meeting.
- 8.5.5** A minimum of forty-eight (48) hours' notice (not including weekends or holidays) of all Special Meetings shall be given to the Members and the public by posting the notice of the Meeting on the website and distributed via the newsfeed feature on the website.

## **8.6 Emergency Meetings**

- 8.6.1** The Mayor at any time may, in the event of an Emergency, call an Emergency Meeting of Council without giving forty-eight (48) hours' notice of the Meeting, provided that the Clerk has diligently attempted to advise all Members immediately upon being advised of the intention of the Mayor to hold an Emergency Meeting.
- 8.6.2** The only business to be dealt with at an Emergency Meeting of Council shall be with respect to that Emergency.
- 8.6.3** In the case of an Emergency Meeting, Council may hold its Meeting(s) and keep its public office at any convenient location within or outside of the Municipality.
- 8.6.4** Notice of all Emergency Meetings of Council shall be given to the Members and the public:
- a. by posting the Meeting on the Town's website and distributed via the newsfeed feature on the website, and
  - b. by posting on the Town's social media.
- 8.6.5** Notwithstanding Clause 8.6.4, notice may be given after the Emergency Meeting.

## **8.7 Electronic Meetings**

- 8.7.1** Any meeting of Council, Committee of the Whole, local board or committee/advisory panel may be held, in whole or in part as an Electronic Meeting.
- 8.7.2 Quorum and Voting for Electronic Meetings:** Member(s) participating in an Electronic Meeting, shall have the same rights and responsibilities as if the Member was in physical attendance at the Meeting, including the right to vote on matters presented at the Meeting and to be counted for purposes of quorum.
- 8.7.3 Closed Session:** An Electronic Meeting may include a Closed Session which shall be conducted in the absence of the public and in accordance with this Section.
- 8.7.4 Public Notice:** Public notice of any Electronic Meeting shall include sufficient information as to provide:
- a. the public with a means to electronically access the Open Session of such Electronic Meeting; and,
  - b. any Delegations with a means to access and participate in the Open Session of the Electronic Meeting.

**8.7.5** This Procedural By-law shall apply to any Electronic Meetings held pursuant to this Section and the Town's Electronic Meeting Management Guide (Schedule "G").

**8.8 Striking Committee**

**8.8.1** See Schedule "E" - Appointment Process to Committee(s) of Council, Local Boards and External Agencies - members of Council and Citizens, which includes the Mandate, Composition and Procedures for the Striking Committee."

**8.9 Committees of Council (excluding Committee of the Whole for this section)**

**8.9.1** Committee Meetings shall generally be:

- a. held in the Council Chambers at the Town Hall, 80 Gore Street East, Perth, ON;
- b. scheduled during regular office hours, Monday to Friday from 8:30 a.m. to 4:00 p.m.; and
- c. no longer than two (2) hours in length.

**8.9.2** Every Committee shall have a Terms of Reference approved by Council. The Terms of Reference shall contain:

- a. a mandate;
- b. a purpose;
- c. committee structure;
- d. meeting schedule;
- e. number of Members required for quorum;
- f. reporting process,
- g. staff and/or administrative support;
- h. budget (if applicable); and
- i. completion date.

**8.9.3** The authority of any Committee is limited to making recommendations to the Committee of the Whole. No decision to take any action other than matters administrative in nature shall be recognized as emanating from any Committee.

**8.9.4** Draft minutes of Committees shall be included in the Council Agenda as information. Any action items requiring Council approval will be presented in the form of a Recommendation to the Committee of the Whole.

**8.9.5** A Committee shall be deemed to be dissolved at the completion of its mandate based on the Terms of Reference or by a resolution of Council.

**8.9.6** Public Members of all Committees shall be appointed by Council.

**8.10 Local Boards and External Boards**

**8.10.1** Council shall appoint Members to sit on various Local Boards and External Boards at the first regularly scheduled Council Meeting following the Inaugural Meeting, unless otherwise provided by an Act or Regulation. See Schedule "E" for the appointment process.

**8.10.2** Minutes of Local Boards and External Boards shall be included in the Committee of the Whole agenda as available for information.

**8.10.3** The Perth & District Union Library Board and the Downtown Business Improvement Area (BIA) Board shall adopt and follow their own Procedural By-laws.

**8.11 Closed Session ("In Camera")**

**8.11.1** Except as provided in this By-law, all Meetings of Council and its Committees shall be open to the public.

**8.11.2** No person shall be excluded from a Meeting except for:

- a. improper conduct determined by the Mayor/Chair or;
- b. where a Meeting or portion of a Meeting is closed to all persons other than the Members of that body and those identified to remain in the room.

**8.11.3** The Clerk shall remain in the room for all Closed Sessions.

**8.11.4** In accordance with Schedule "B", a Meeting or part of a Meeting may be closed to the public.

**8.11.5** Closed Meetings are to be listed on the Agenda in such a way as to provide the most information possible without compromising confidentiality or adversely affecting the Municipal position.

**8.11.6** A Meeting shall not be closed to the public during the taking of a vote except where:

- a. the vote is for a procedural matter, or
- b. giving directions or instructions to officers, employees or agents of the Municipality or persons retained by or under contract with the Municipality.

**8.11.7** Confidential discussion during a Closed Session shall be limited to the issue described in the authorizing public resolution 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.

- 8.11.8** No Member, Staff or other person present during a Closed Session shall:
- a. 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 of discussions regarding any matters that are confidential or that have been obtained or considered in a Closed Session without approval of such release by Council; and
  - b. take notes during a Closed Session, other than the Clerk and/or CAO.
- 8.11.9** All electronic devices not required for conducting a Closed Session shall be surrendered to the Clerk for the duration of the Closed Session.
- 8.11.10** The Clerk shall be responsible to secure and maintain a confidential record of all original documentation distributed or presented, relating to Closed Sessions.
- 8.11.11** A separate set of Closed Session Minutes shall be kept for each Closed Session.
- 8.11.12** Copies of any confidential documents, including Minutes, circulated during the Meeting shall be returned to the Clerk at the end of the Closed Session and destroyed.
- 8.11.13** Minutes of Closed Sessions shall be circulated by the Clerk at the next Closed Session Meeting for adoption. The adoption of the Minutes is a procedural matter and does not affect the validity or affect the resolutions recorded in the Minutes.
- 8.11.14** The Minutes and Closed Session materials shall be kept in a secure and confidential location under the control of the Clerk and shall only be open to those in attendance at the Meeting, to others approved by the Council or as legislated.
- 8.11.15** Closed Sessions shall generally be scheduled at the end of the Meeting.
- 8.11.16** All Members and Staff have a personal obligation to the Municipality to treat identified documents in confidence and not to use them in any manner or to the detriment of the Municipality.

**8.11.17** The obligation to keep information confidential shall continue after the Member ceases to be a Member of Council or a Committee or Staff ceases to be employed by the Municipality.

**8.11.18** Should the Municipality receive a report from the Municipality's Closed Meeting Investigator reporting his/her opinion, and the reasons for it, that a Meeting or part of a Meeting that was the subject-matter of an investigation appears to have been closed to the public contrary to Section 239 of the Municipal Act, or to this By-law, the Municipality shall pass a resolution stating how it intends to address the report.

**8.11.19 Rise and Report from Closed Session:** Once the Closed Session has ended, the Members shall return to Open Session by a motion to Rise and Report and the time that the Rise and Report occurred. Following the Motion to Rise and Report, the Chair shall report the statement resulting from Closed Session and any declarations of pecuniary interest made in Closed Session. Any recommendation(s) coming from Closed Session shall then be brought forward by Motion as required.

## **8.12 Public Information Sessions/Centres**

**8.12.1** Public Information Sessions/Centres may be scheduled from time to time as warranted.

**8.12.2** Public Information Sessions/Centres shall be scheduled by the responsible Director and/or the CAO in coordination with the Clerk, once a preliminary review of the topic has been provided to Council.

## **8.13 Public Meetings (Statutory)**

**8.13.1** Public Meetings shall be scheduled as prescribed for the purpose of meeting the requirements of an Act, Regulation or By-law.

**8.13.2A** Public Meeting shall be called by the Clerk as required under the Public Notice Policy or as required under an Act or Regulation. The notice shall clearly state the purpose, date, time and location of the meeting, and the person who will act as Chair of the session.

**8.13.3** The Clerk shall prepare an Agenda for the Meeting and keep a record of the proceedings.

## **8.14 Notice of Meetings**

- 8.14.1** The Clerk shall give notice of each Meeting to the Members, Directors, media and the public.
- 8.14.2** The Meeting Agenda shall constitute notice, except for Public Meetings (Statutory).
- 8.14.3** Notice for Public Meetings shall be as prescribed by an Act, Regulation or By-law.
- 8.14.4** Insofar as it is practical, Council and Committee of the Whole Agendas shall be made available by 12:00 p.m. on the Friday prior to the Meeting.
- 8.14.5** Committee and Local Board Agendas shall be made available 48 hours (not including holidays or weekends) prior to the Meeting.
- 8.14.6** Agendas shall be posted on the website through the Meeting Portal.
- 8.14.7** Refer to Subsections 8.5 and 8.6 for Special and Emergency Meetings.
- 8.14.8** Council and Committee of the Whole Meetings may be cancelled in consultation with the Mayor, CAO and Clerk if insufficient business will be before Council or the Committee of the Whole. Notice of such cancellation should be provided as soon as possible to all regular recipients of the Agenda and posted on the Town's website.
- 8.14.9** If it appears that inclement weather, or like occurrence, or an emergency situation may prevent the Members from attending a Meeting, including by electronic participation, the Mayor or Chair, in consultation with the CAO and/or Clerk or Recording Secretary as applicable may direct the Clerk or Recording Secretary to reschedule that Meeting by contacting as many Members as can be reached. Generally, Meetings will be rescheduled by 4:00 p.m. on the day of a Meeting and shall be posted on the website.

## **8.15 Meeting Schedule**

- 8.15.1** The Meeting Schedule will outline the dates of Regular Council, Committee of the Whole and other Committee or Local Board Meetings and may include the dates of municipal conferences.

**8.15.2** Regular Council Meetings are held once a month except during the Summer Recess.

**8.15.3** Committee of the Whole Meetings are held once a month except during the Summer Recess.

**8.15.4** Special and Emergency Meetings may be called during the Summer Recess.

**8.15.5** Any Council or Committee of the Whole Meeting that is not on the Meeting Schedule shall be deemed to be a "Special" Council or "Special" Committee of the Whole Meeting.

**8.15.6** A rescheduled meeting shall not be considered a "Special" Council or "Special" Committee of the Whole Meeting.

**8.15.7** A proposed Meeting Schedule will be presented by the Clerk to Council for approval in November or December of each year, for the subsequent year.

## **8.16 Council Orientation - Election Year**

**8.16.1** In the year of a municipal election, after the election an orientation shall be held for all Members of Council to provide an overview of:

- a. the expectations of elected office, including Council's role, policies, procedure by-law, code of conduct, processes, payroll;
- b. the Municipality's role and function;
- c. current projects/key files by department;
- d. the budget process;
- e. the strategic plan; and
- f. any other pertinent information.

**8.16.2** The orientation shall be conducted by the CAO and Directors, who comprise the Senior Management Team, and any external experts such as the Municipal Auditor, Municipal Solicitor, Municipal Integrity Commissioner, Municipal Insurance Broker. Orientation by external experts may be conducted jointly with other Lanark County municipalities.

## **9.0 ORDER OF BUSINESS AND GENERAL RULES**

### **9.1 Order of Business on the Agenda**

#### **9.1.1 Council Agenda**

**9.1.1.1** The Clerk shall have prepared for the use of the Members at all Meetings, a Council Agenda with the following Order of Business:



1. Call to Order
2. Adoption of Agenda/Amendments
3. Land Acknowledgement
4. Disclosure of Pecuniary Interest and/or Conflict of Interest and General Nature Thereof
5. Adoption of Minutes
6. Delegations
7. Presentations
8. Consent Agenda
9. Items Removed from Consent Agenda
10. Motions
11. By-laws
12. Staff Reports
13. Council Committee, Local Board and External Board Reports/Minutes
14. New Business
15. Questions from the Media
16. Next Meeting Date(s)
17. Closed Session
18. Rise and Report from Closed Session
19. Confirmation of Proceedings By-law
20. Adjournment

### **9.1.2 Committee of the Whole Agenda**

**9.1.2.1** The Clerk shall have prepared for the use of the Members at all Meetings, a Committee of the Whole Agenda with the following Order of Business:

1. Call to Order
2. Adoption of Agenda/Amendments
3. Disclosure of Pecuniary Interest and/or Conflict of Interest and General Nature Thereof
4. Public Meeting(s) under the Planning Act (as required)
5. Adoption of Minutes
6. Delegations
7. Correspondence
8. Staff Reports
9. CAO and Director Departmental Updates
10. New Business
11. Questions from the Media
12. Next Meeting Date(s)
13. Closed Session
14. Rise and Report from Closed Session
15. Adjournment

### **9.1.3 "Special" and "Emergency" Meeting Agendas**

**9.1.3.1** The Clerk shall have prepared for the use of the Members at Special and Emergency Meetings, an Agenda using the

template outlined in 9.1.1 or 9.1.2 as applicable, with Agenda Items removed as necessary:

#### **9.1.4 Other Committee Meeting Agendas**

**9.1.4.1** The Clerk shall have prepared for the use of the Members at other Committee (not including Committee of the Whole) meetings, an agenda as follows:

1. Call to Order
2. Adoption of the Agenda/Amendments
3. Disclosure of Pecuniary Interest and/or Conflict of Interest and General Nature Thereof
4. Adoption of Minutes
5. Delegations and Presentations
6. "Business"
7. New Business
8. Next Meeting Date
9. Adjournment

#### **9.2 General Rules**

**9.2.1** The business of each Meeting shall be taken up in the order in which it stands on the Agenda unless, by a majority vote, the Members decide otherwise.

**9.2.2** The Clerk shall determine the appropriate Meeting at which items of business shall be considered in accordance with this By-law.

**9.2.3** Where further information or reports are necessary for Council or Committees to review an item of business, the Clerk or CAO may postpone the placement of an item on the Agenda.

**9.2.4** Where employees of the Municipality have been directed by Council to carry out a specific action and it is determined subsequently that the action cannot be carried out in accordance with Council's directions, the CAO will notify Council as soon as possible of these findings and further direction shall be requested of Council.

**9.2.5** The CAO shall attend Committee of the Whole and Council meetings (both open and closed sessions).

**9.2.6** Directors shall attend Council and Committee of the Whole Meetings as required.

#### **9.3 Call to Order**

**9.3.1** Upon being called to order, all Members, Staff and Attendees shall immediately take their seats.

#### **9.4 Adoption of the Agenda/Amendments**

**9.4.1** After the Agenda has been posted, amendments shall only be made to the Agenda at the Meeting by a vote of at least two-thirds of the Members present and voting.

#### **9.5 Land Acknowledgement**

**9.5.1** The Mayor shall read the following Land Acknowledgement at all Regular Council Meetings:

*"We (I) respectfully acknowledge that the land on which we gather is the traditional home of various Indigenous Peoples. As we work towards reconciliation, may we all live with respect on this land and live in peace and friendship with all its diverse peoples."*

#### **9.6 Disclosure of Pecuniary Interest and/or Conflict of Interest and General Nature Thereof**

**9.6.1** A Member shall declare a direct or indirect pecuniary interest in accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended.

**9.6.2** A Member shall declare a conflict of interest in accordance with the Code of Conduct for Council and Local Boards.

**9.6.3** A Member shall declare a direct or indirect pecuniary interest or a conflict of interest by using the form in Schedule "C" or electronically through the Meeting Portal prior to any consideration of a matter where the Member has a pecuniary interest or conflict of interest and shall file it with the Clerk.

**9.6.4** The Clerk shall maintain a registry of each declaration filed and recorded.

**9.6.5** The registry shall be posted on the Municipality's website through the meeting portal.

**9.6.6** Where a Member has a pecuniary interest or conflict of interest, the Member shall not take part in the discussion of, or vote on any question in respect of the matter and shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

**9.6.7** If the declared pecuniary interest or conflict of interest is with respect to an item on a Closed Session Agenda, in addition to complying with the requirements of this subsection, 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 pecuniary interest or conflict of interest disclosed during the Closed Session.

**9.6.8** Where the interest of a Member has not been disclosed as required by Section 9.6.1 or 9.6.2 above, by reason of the Member's absence from the Meeting, the Member shall disclose the interest at the first subsequent Meeting thereafter.

**9.6.9** A Member that requires advice and opinions regarding a pecuniary interest or conflict of interest shall follow the process outlined in the Code of Conduct for Council and Local Boards.

**9.6.10** The Clerk shall record any disclosures in the applicable Meeting Minutes.

## **9.7 Adoption of Minutes**

**9.7.1 Record of Meeting:** The minutes of a meeting of Council/Committee of the Council shall record:

- a. The date, place and time of the meeting;
- b. The name of the Chair, the attendance of the Members and Staff present at the meeting;
- c. Arrival and departure of Members after the call of the meeting;
- d. A Member who has declared a pecuniary interest on the matter or question and the nature thereof;
- e. All motions and recommendations, the number of Ayes and Nays for each vote taken and whether they were Carried or Defeated;
- f. The proceedings without note or comment; and
- g. The time of adjournment.

**9.7.2 Draft Minutes:**

**9.7.2.1 Council/Committee of the Whole – Draft Minutes**

The Clerk shall circulate the draft minutes of each meeting no later than one (1) week following the meeting to the Members, the CAO and Directors.

**9.7.2.2. Other Committees of the Council – Draft Minutes**

The Recording Secretary shall circulate the draft minutes of each meeting no later than one (1) week following the meeting to the members and the Clerk for distribution to the members of Council, or no later than the Agenda for the next regular meeting for final adoption, whichever comes first.

**9.7.2.3 Adoption of Minutes**

The draft minutes of the last regular meeting and any special meetings held since the last regular meeting shall be presented for final approval no later than the next regular scheduled meeting of Council/Committee(s) of the Council. If it is determined that there

will not be a next meeting, or the date of the next meeting is unknown and is likely to be in the distant future, members present at that meeting shall meet with the Clerk/Recording Secretary at a later date to individually approve and authenticate the minutes with their signature(s).

**9.7.2.4 Amendments to Minutes**

If any member disagrees with any item printed in the minutes, that member shall state their objection and the reason. The members shall determine the accuracy of the minutes and the Clerk/Recording Secretary shall note, in the minutes of the present meeting, both the existing text and changes requested and make the necessary amendments to the minutes being adopted. If amendments are required, the question put by the Chair shall be to adopt the minutes of the said meeting as amended.

**9.7.2.5 Clerk/Recording Secretary Authorized to Make Corrections**

The Clerk/Recording Secretary shall be authorized to make minor corrections to the minutes resulting from technical, or typographical errors provided the intent of the minutes are not changed prior to the minutes being signed.

**9.7.2.6 Signature for Authentication**

The Chair and Clerk/Recording Secretary shall authenticate the minutes with their signatures.

**9.7.2.7 Original Minutes**

The Clerk shall ensure that original signed minutes are stored in a secure place.

**9.7.3 Adopted Minutes**

**9.7.3.1 Council/Committee of the Whole – Adopted Minutes**

The adopted minutes of each meeting of Council/Committee of the Whole shall be posted to the website.

**9.7.3.2 Other Committees of the Council – Adopted (Signed) Minutes**

A copy of the adopted minutes shall be provided to the Clerk and posted to the website.

**9.8 Consent Agenda**

**9.8.1** A Member may request the removal of an item prior to the vote on the Consent Agenda, if that Member wishes to discuss or propose an amendment to that item.

**9.8.2** When possible, Members shall notify the Clerk prior to the meeting of their intention to remove an item from the Consent Agenda.

**9.8.3** If an item(s) is removed from the Consent Agenda, it shall be noted in the Motion for the Consent Agenda which item(s) has been removed and the name of the Member requesting such removal.

**9.8.4** Any item(s) removed from the Consent Agenda will be addressed by Council in separate Motion(s).

## **9.9 Delegations and Presentations**

### **9.9.1 Delegations**

**9.9.1.1** Persons who wish to appear as Delegations must submit a written request through email or an online form to the Clerk outlining the purpose of their Delegation to appear before the Committee of the Whole, at least ten (10) days in advance of the Meeting.

**9.9.1.2** The Clerk shall assign Delegations to a Committee of the Whole Agenda and only assign Delegations to a Council Meeting Agenda if the matter is time sensitive or is in relation to an Agenda Item being considered for final adoption at that meeting.

**9.9.1.3** Delegations with time sensitive issues or in regards to items on the Agenda that have not submitted a request within the specified time may be heard by the Committee of the Whole as an addition to the Agenda by a Two-thirds Vote.

**9.9.1.4** Delegations will either be received for information or a recommendation or motion shall be passed requesting that a Staff Report be provided at a subsequent Meeting that outlines both the financial and staffing resources required, if applicable.

**9.9.1.5** Delegations:

- a. shall be limited to a maximum of three (3) per Meeting Agenda.
- b. are to be limited to ten (10) minutes followed by a question period for Members.
- c. consisting of more than one (1) person shall be limited to two (2) speakers, with a total time limit of ten (10) minutes.
- d. providing a PowerPoint presentation shall limit such presentation to a maximum of ten (10) slides.
- e. Presentation material shall be received by the Clerk no later than seven (7) days in advance of the Meeting so that they

can be included with the Agenda and form part of the official record.

- f. role is to provide information and not enter into debate with Members or Staff.
- g. may only speak at a Meeting with respect to the requested topic listed on the Agenda.
- h. who have previously appeared on the same subject matter, shall be limited to providing new information only in their subsequent appearances.
- i. questions to Staff shall only be received through the Chair.

**9.9.1.6** Delegations requesting to appear at a Meeting may be declined by the Clerk and/or the CAO, if:

- a. they have failed to follow established By-laws, policy, procedure or protocol or as prescribed in an applicable governing statute or regulation;
- b. if the request is regarding an operational matter that should be referred to staff to be resolved;
- c. the request is not submitted within the stated time limits;
- d. the request is a matter that would generally be dealt with in Closed Session or is a Confidential Item as defined in this by-law;
- e. the subject matter is deemed to be beyond the jurisdiction of Council; or
- f. the request/issue has no perceived benefit for the Municipality.

**9.9.1.7** Prior to Delegations speaking at a Meeting, the Chair shall read a brief overview of the rules and expectations for hearing Delegations.

**9.9.1.8** **Curtail Delegation or Debate:** The Chair may curtail any Delegation or debate during a delegation for disorder or any other breach of this by-law and, if the Chair rules that the delegation is not in compliance with this by-law, the person(s) appearing shall withdraw from the delegation table and the decision of the Chair shall not be subject to challenge.

**9.9.1.9** **Questions by Members:** Upon completion of a Delegation, any dialogue between Members and the Delegate shall be limited to Members asking questions for clarification and obtaining additional, relevant information only. Questions from

Members shall be addressed by the Delegate. Members shall not enter into debate with the Delegation regarding the presentation.

## **9.9.2 Presentations**

- 9.9.2.1** Ceremonial presentations and/or awards shall be made at a Council meeting. A presentation or award may be given by the Mayor and/or other Member, Town of Perth staff, a representative from another level of government, or any person/organization invited by Council.
- 9.9.2.2** Verbal reports will be accepted; however, written and/or electronic reports are preferred and shall be retained by the Clerk as an official record.
- 9.9.2.3** Presentations:
  - a. shall be assigned to a Council Meeting Agenda.
  - b. shall be limited to ten (10) minutes, unless otherwise directed by the Chair, followed by a question period for Members.
  - c. consisting of more than one person shall be limited to two (2) speakers, being limited to no more than ten (10) minutes, unless otherwise directed by Council or Committee.
- 9.9.2.4** Questions directed to Staff by any Presenter shall be received through the Chair.

## **9.10 Correspondence**

- 9.10.1** Correspondence that is addressed to Council or that relates to municipal matters will be listed on a Committee of the Whole Agenda as Correspondence for Information or Correspondence for Action.
- 9.10.2** Correspondence that is not legible or that contains any defamatory allegations, impertinent or improper information, or derogatory remarks as determined by the Clerk and/or CAO, shall not be circulated to Council. Every correspondence shall be signed by at least one person giving their name and mailing address.
- 9.10.3** Correspondence delivered by electronic mail shall contain the electronic mail address of the sender as well as a name and mailing address and have attached to it only those documents which are in a printable format.
- 9.10.4** For correspondence that is sent from individuals, the Clerk shall obtain consent from the sender to include the correspondence on a public Committee of the Whole Agenda.



**9.10.5** Correspondence addressed to a single Member shall be provided to the Clerk for distribution, at the discretion of that Member.

**9.10.6** No motions from other municipalities requesting support or requests for a Mayor's Declaration shall be included on Committee of the Whole or Council Agendas as correspondence.

## **9.11 Committee or External Board Reports from Members**

### **9.11.1 Committee Report – Members**

- a. All Members shall have the opportunity to report on their Town-related committee or External Board meetings/work that has occurred since the last Council Meeting or will be occurring before the next Council Meeting; or to report on an issue(s) currently under debate by the Committee(s) of the Council of which they are a member.
- b. Draft committee or External Board minutes shall be attached to the Council Agenda as available.
- c. Each Member shall be given the opportunity to make a maximum of three (3) enquiries related to the Member's Report.
- d. Members shall make every effort to limit their Report to a maximum of five (5) minutes.

## **9.12 Reports**

### **9.12.1 Staff Reports to Committee of the Whole**

**9.12.1.1** The standard staff report template shall be as set out in Schedule "D".

**9.12.1.2** Staff Report Recommendations shall be shown on the Committee of the Whole Agenda as a Recommendation or on the Council Agenda as a Proposed Motion, as applicable. The Mover of the Recommendation or Motion shall be the Member who is appointed as the Department Chair, unless that Member is the Chair of the Meeting, for which another Member will be listed as the Mover.

**9.12.1.3** Staff shall not read the report at the Meeting, unless requested to do so by the Chair, but only speak to the recommendation(s).

**9.12.1.4** Directors shall submit Staff Reports through the electronic approvals process by end of day on the Tuesday prior to the Meeting. Final approval shall be issued by the CAO by end of day on the Thursday prior

to the Meeting.

- 9.12.1.5 If the report deadlines are not met, the report may be placed on the subsequent Agenda, as determined by the Clerk and/or CAO.

### **9.12.2 Confidential Reports**

- 9.12.2.1 Staff reports that are "confidential" will be copied onto green paper and marked "**CONFIDENTIAL**" in the report title. (See Sub-Section 8.11 - Closed Session).

- 9.12.2.2 The Clerk shall ensure that any material relating to any matter, for which a Meeting may resolve into "closed session" is circulated as confidential material pending Council's approval of release to the public.

### **9.13 New Business**

- 9.13.1 New Business shall not be considered unless it is of an Emergency or time sensitive nature, and should otherwise be referred to the next Meeting of the Committee of the Whole or the appropriate Committee.

- 9.13.2 New Business may be heard by a Two-thirds Vote.

- 9.13.3 The request to hear New Business shall not be debatable.

### **9.14 Unfinished Business**

- 9.14.1 Items on an Agenda which have not been dealt with shall be repeated on each subsequent Agenda until resolved or removed from the Agenda by resolution and shall be listed under Unfinished Business.

### **9.15 CAO and Directors' Action Item Report**

- 9.15.1 A monthly CAO and Directors' Action Item Report summarizing future Staff Reports directed by Council Resolution or Staff Initiated shall generally be provided to Council via email no later than one week following each Council meeting. The report shall include the Resolution # (if applicable), Meeting Date (if applicable), Responsible Director, Topic and the Timeline when the matter is scheduled to come forward to Council.

### **9.16 Questions from the Media**

**9.16.1** The members of the media shall be given the opportunity to present questions. The period for media comments shall be limited to a maximum of ten (10) minutes. All such comments shall be directed to the Chair who shall, when necessary, determine the person who in their opinion is the best qualified to respond.

## **10.0 COMMENCEMENT AND ADJOURNMENT OF MEETINGS**

### **10.1 Quorum**

**10.1.1** If no quorum is present fifteen (15) minutes after the time appointed for a Meeting of Council or Committee, the Clerk shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next Meeting; regular, special or emergency.

**10.1.2** When Quorum is lost as a result of declarations of pecuniary interest by one or more Members, the remaining Members shall be deemed to constitute Quorum, provided the number of Members is not fewer than two (2).

**10.1.3** The Chair shall call the Meeting to order as soon after the hour fixed for the holding of the Meeting that a Quorum is present.

**10.1.4** If the Mayor is not available at the time appointed for a Meeting of Council, the Deputy Mayor will conduct the Meeting until the arrival of the Mayor.

**10.1.5** If the Chair is not available at the time appointed for a Meeting of Committee, the Committee shall appoint an Acting Chair to conduct the meeting until the arrival of the Committee Chair.

**10.1.6** Members shall notify the Clerk or Committee Recording Secretary, as applicable, when intending to be absent from a Council, Committee, Special or Emergency Meeting for the purpose of ensuring a Quorum.

**10.1.7** When a Quorum is lost, the Meeting shall stand recessed and no further action shall be taken. If a quorum is regained within ten (10) minutes, the Meeting shall proceed. If quorum is not regained within ten (10) minutes of the recess, the Meeting shall stand adjourned.

### **10.2 Recess**

**10.2.1** At a Council Meeting, a Motion to recess shall be brought forward and shall set a time (ex. recess for 5 minutes) or state "until called to order by the Chair".

**10.2.2** At a Committee Meeting, the Committee may recess by majority

consent and shall set a time (ex. recess for 5 minutes) or state "until called to order by the Chair".

### **10.3 Adjournment**

**10.3.1** All Meetings shall adjourn no later than 9:30 p.m., unless a Recommendation or Motion to proceed beyond 9:30 p.m. is approved by a unanimous vote.

**10.3.2** Notwithstanding Subsection 10.4.1 above, no Meetings shall proceed beyond the hour of 10:00 p.m., unless a Recommendation or Motion to proceed beyond 10:00 p.m. to address an urgent matter(s) is approved by a unanimous vote.

## **11.0 MOTIONS**

### **11.1 Motion Process**

(Refer to the Motion Table in Schedule "F")

**11.1.1** Where members of the public are to be heard on a matter, no Motion shall be received until they have been heard, and no further public participation shall be allowed at that Meeting after the Motion has been duly moved and seconded.

**11.1.2** For Council Meetings, a Motion shall be formally moved and seconded before the Chair can put the question or a Motion can be recorded in the Minutes.

**11.1.3** For Committee Meetings, a Motion shall only need to be formally moved before the Chair can put the question or a Motion can be recorded in the Minutes.

**11.1.4** Every Member present is entitled to vote on every Motion, unless the Member has declared a pecuniary interest or conflict of interest.

**11.1.5** Every Member present, shall be deemed to vote against the Motion if they decline or abstain from voting, unless disqualified from voting by reason of a declared pecuniary or conflict of interest.

**11.1.6** The Chair shall vote on all Motions.

**11.1.7** After a Motion has been duly moved, seconded, and read, it shall immediately be open to debate. The mover shall have the opportunity to make the introductory and closing remarks thereon.

**11.1.8** No Member shall speak more than twice until every Member has had an opportunity to speak towards the Motion.

- 11.1.9 No Member shall, without leave of the Chair, speak to the same Motion or in reply for longer than five (5) minutes.
- 11.1.10 Any Member may request that any Motion under debate be repeated by the Clerk or Chair for the benefit of clarification but not so far as to interrupt a Member while speaking.
- 11.1.11 A Motion on which the voting results in a tie shall be considered lost.
- 11.1.12 When the Motion under consideration contains distinct recommendations, a Member may request that the vote be taken separately on each proposal. (See the motion to "Divide" in the Motion Table)
- 11.1.13 The Chair shall call the vote immediately after all Members desiring to speak to the Motion have spoken.
- 11.1.14 Upon the Chair calling for a vote, no further speakers shall be permitted.
- 11.1.15 The manner of determining the vote on a Motion shall be by show of hands.
- 11.1.16 No vote shall be taken at any Meeting by any method of secret voting, except where permitted or required by law.
- 11.1.17 The Chair shall announce the result of every vote.
- 11.1.18 If a Member disagrees with the announcement of the result of any vote, the Member may object immediately to the announcement and require that a recorded vote be called.

## **11.2 Reconsideration of a Motion**

### **11.2.1 General Provisions**

- 11.2.1.1 Reconsideration of a Motion shall only be permitted at Council Meetings.
- 11.2.1.2 A motion to reconsider shall only be permitted if:
  - a) there is new information which has come forward,
  - b) there was an error in documentation presented, or
  - c) incorrect statements were made during the original debate.
- 11.2.1.3 A Motion to reconsider a previous decision of Council may be introduced by any Member.

- 11.2.1.4 A Motion to reconsider may be seconded by any Member.
- 11.2.1.5 A Motion to reconsider may be presented only once within a twelve-month period from the date the original Motion was approved by Council.
- 11.2.1.6 No Motion to reconsider shall be presented after twelve months from the date the original Motion was approved by Council.
- 11.2.1.7 A Motion to reconsider shall not be in order if Council is made aware the question or By-law has been implemented, resulting in legally binding commitments as of the date the Motion to reconsider is moved.

### **11.2.2 Notice of Intention**

- 11.2.2.1 A notice of the intention to reconsider a Motion shall be placed on the next Council Agenda. At the next Meeting after Notice is given a Motion to reconsider may be brought forward.

### **11.2.3 Motion to Reconsider**

- 11.2.3.1 When a Motion for reconsideration is introduced, no discussion of the original Motion shall be allowed unless the Motion for reconsideration is approved by at least Two-Thirds of the Members present and voting.
- 11.2.3.2 A Motion to reconsider shall not be amended, but may be debated.
- 11.2.3.3 Debate on a Motion for reconsideration shall be confined to reasons for or against reconsideration or to such matters as new information which has come forward, an error in documentation presented or incorrect statements made during the original debate.
- 11.2.3.4 A Motion to reconsider shall include the date of when the original Motion is to be reconsidered. The original motion may be reconsidered as the next order of business.
- 11.2.3.5 Should a Motion to reconsider be defeated, the original motion stands.

#### **11.2.4 Original Motion**

- 11.2.4.1 The original Motion being considered shall be stated in the exact manner in which it was first presented and voted on.
- 11.2.4.2 The debate on the original Motion being considered as a result of an affirmative Motion of reconsideration shall proceed as though it had never previously been voted on, and shall be subject to the rules of debate and amendment.

#### **11.3 Recorded Votes**

- 11.3.1 Recorded votes shall only be permitted at Council Meetings.
- 11.3.2 A recorded vote shall be taken when called for by any Member prior to or immediately subsequent to the taking of the vote.
- 11.3.3 All Members, including the Mayor, shall be required to vote when a recorded vote is called for, except when absent or disqualified by a declared pecuniary or conflict of interest.
- 11.3.4 On a recorded vote, failure to vote by a Member who is present at the Meeting at the time of the vote and who is qualified to vote shall be deemed a negative vote.
- 11.3.5 For a recorded vote, the Chair shall pose the question and the Clerk shall call upon each Member, beginning with the Mayor, followed by the Deputy Mayor, then Members in alphabetical order, and shall record the Members vote. The Clerk shall also record the number of Members absent and/or abstained.
- 11.3.6 The Clerk shall tabulate and announce the results of the vote.
- 11.3.7 When a recorded vote is taken, the names of those who voted for and those who voted against the Motion and those absent shall be entered in the Council minutes.

#### **11.4 Point of Privilege**

- 11.4.1 A Member may raise a point of privilege directing attention to a matter that affects the rights of the Member or Members.
- 11.4.2 A point of privilege shall take precedence over any other matter except during verification of a vote.

**11.4.3** A Member shall state the point of privilege to the Chair at the time of occurrence.

**11.4.4** A Member shall not be permitted to enter into any argument or introduce any Motion not related to the point of privilege.

**11.4.5** The Chair shall decide upon the point of privilege and advise the Members of the decision.

**11.4.6** Unless a Member immediately appeals the Chair's decision, the decision of the Chair shall be final.

**11.4.7** If the decision of the Chair is appealed, the question to be answered is "Shall the ruling of the Chair be upheld?" a vote shall be called without debate, and its results shall be final.

**11.4.8** When the matter has been determined to be a point of privilege, the Member shall be afforded an opportunity to propose a Motion in relation to that point of privilege.

**11.4.9** When the integrity of the CAO or other employee of The Corporation of the Town of Perth has been questioned, the CAO shall be permitted to make a statement to the Members.

## **11.5 Point of Order**

**11.5.1** A Member may raise a point of order to a perceived violation of the rules of procedure, except during verification of a vote.

**11.5.2** A Member shall state the point of order to the Chair at the time of the occurrence and shall quote the appropriate section of this By-law.

**11.5.3** The Chair shall decide upon the point of order and advise the Members of the decision.

**11.5.4** Unless a Member immediately appeals the Chair's decision, the decision of the Chair shall be final.

**11.5.5** If the decision of the Chair is appealed, the question to be answered is "Shall the ruling of the Chair be upheld?" a vote shall be called without debate, and its results shall be final



## **12.0 BY-LAWS**

### **12.1 By-law Approval Process**

**12.1.1** Every By-law shall be listed on the Agenda by an identifying number, followed by a brief description of the intent of the By-law.

**12.1.2** 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 by Committee of the Whole.

**12.1.3** Notwithstanding Subsection 12.1.2 above, new By-laws of an urgent nature, requiring an immediate decision may be presented to Council without having previously been considered by Committee of the Whole.

**12.1.4** Every By-law shall be adopted in a single motion having been given three readings simultaneously.

**12.1.5** After third reading, every By-law may be debated, subject to amendment, and may be deferred or referred to a Committee or Staff for further consideration before being voted on.

**12.1.6** Upon a Two-Thirds Vote of the Members present and voting, third reading of any By-law may be postponed until the next Meeting.

**12.1.7** Every By-law passed by Council shall:

- a. be signed by the Mayor, or the Deputy Mayor in the absence of the Mayor, and the Clerk, or Deputy Clerk in the absence of the Clerk;
- b. sealed with the seal of the Corporation;
- c. show the date of all readings;
- d. be deposited by the Clerk in a secure location; and
- e. shall be scanned electronically in the By-law index.

**12.1.8** The Clerk shall be authorized to make minor administrative corrections to any By-law resulting from technical, formatting or typographical errors prior to the By-law being signed, provided the intent of the by-law is not changed.

### **12.2 Confirmation of Proceedings By-law**

**12.2.1** The proceedings at every regular and special Meeting of Council shall be confirmed by By-law, so that every decision, unless required by an Act, Regulation or By-law, of Council at that Meeting and every resolution passed thereat shall have the same force and effect as if each one of them had been the subject matter of a separate By-law duly enacted.

### **13.0 SUSPENSION OF RULES**

13.1 In rare instances, Council may suspend the rules of the Procedure By-law with a two-thirds vote of Council. In no circumstances may Council suspend any statutory procedures from the Act incorporated in this By-law.

### **14.0 AMENDMENT OF PROCEDURAL BY-LAW**

14.1 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 of proposed amendment or repeal has been given at a previous regular Meeting of Council; and
- b. Public Notice has been provided in accordance with the Town's Public Notice Policy.

14.2 The waiving of this notice by Council is prohibited.

14.3 The Clerk shall be responsible for reviewing this By-law at least once every term of Council.

### **15.0 ULTRA VIRES**

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

**SCHEDULE "A" - Inaugural Meeting**

No.	Agenda Item:	Rules:	Conducted By:
i	Call to Order	<p>The first meeting of Council in the year of a Municipal Election shall be on the first Tuesday of the new term at 5:30PM or at such hour as may be fixed by By-law.</p> <p>The Clerk shall notify all Members at least one (1) week in advance of the meeting as to time and date.</p>	Clerk
ii	Roll Call	The Clerk shall ensure that a majority of the members are present.	Clerk
iii	Declaration of Office for All Members of Council	Conducted as per Section 232 (1), the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25, as amended.	Clerk
iv	Mayor Assumes the Chair	The Clerk introduces the newly elected Mayor and the Mayor takes the Chair.	Clerk
v	Mayor's Inaugural Remarks	The Mayor may give Inaugural Remarks.	Mayor
vi	Deputy Mayor's Inaugural Remarks	The Deputy Mayor may give Inaugural Remarks.	Mayor
vii	Councillor Remarks	Each Councillor, in the order of alphabetical order by surname, may give remarks.	Mayor
viii	Appointments to Striking Committee	Council shall appoint a Striking Committee composed of the Mayor and two (2) Members of Council.	Mayor
ix	Adjournment	Motion	Mayor

## **Schedule "B" - Closed Session (as per Section 239 of the Municipal Act)**

### **Meetings open to public**

**239 (1)** Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

### **Exceptions**

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- (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. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.

### **Other criteria**

(3) A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,

- (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.

### **Educational or training sessions**

(3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

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).

### **Resolution**

(4) Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution,

(a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or

(b) in the case of a meeting under subsection (3.1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection. 2001, c. 25, s. 239 (4); 2006, c. 32, Sched. A, s. 103 (2).

**SCHEDULE "C" - Declaration of Pecuniary Interest or Conflict of Interest Form**

**Declaration of Pecuniary Interest Form  
*Municipal Conflict of Interest Act***



Type of Meeting:       Council     Committee of the Whole     In Camera

Date of Meeting: \_\_\_\_\_

I, \_\_\_\_\_, declare a potential Pecuniary Interest  
(Mayor/Deputy Mayor/Councillor)

on \_\_\_\_\_ Agenda No. \_\_\_\_\_, Item No. \_\_\_\_\_, Item Title  
(Committee of the Whole/Council)

\_\_\_\_\_ for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_      Date: \_\_\_\_\_

## **SCHEDULE "D" – Staff Report Template**

Note: The CAO may authorize changes to the Staff Report Template.

### **Staff Report to Committee of the Whole of the Town of Perth**



**Date Presented:** January 16, 2024  
**From:** Susan Beckel, Director of Legislative Service/Clerk  
**Subject:** Staff Report Template  
**Report Number:** 2023- COW-

**For Information Only:** No  
**Delegation:** No  
**Presentation:** No  
**Attachment(s):** No

**Recommendation:**

As recommended by the Committee of the Whole, be it resolved that the Council of the Town of Perth...

**Executive Summary:**

Executive Summary

**Strategic Plan:**

Transparency: We are committed to sharing business functions and operating decisions with our citizens, partners, and investors. We will seek opportunities to communicate matters related to our community.

**Greenhouse Gas Reduction Plan 2016-2030:**

Greenhouse Gas Reduction Plan 2016 - 2030

**Background/Discussion:**

Background/Discussion

**Options:**

Option 1: Recommended

Option 2: Not Recommended

**Financial Considerations:**

Financial Considerations

**Applicable Policy/Legislation:**

Applicable Policy/Legislation

**Others Consulted:**

Directors

Respectfully submitted,

Susan Beckel, Director of Legislative Service/Clerk

Approved by,

Michael Tow, CAO

**SCHEDULE "E" - Appointment Process to Committee(s) of Council, Local Boards and External Agencies - Members of Council and Citizens**

**1. STRIKING COMMITTEE**

- a. **Mandate:** The Striking Committee is responsible for reviewing applications and making recommendations to Council regarding the appointment of members of Council and citizens to:
  - i) various committee(s) established by Council, if any; and
  - ii) local boards and external agencies, on which the Council desires or is required to have representation.
  
- b. **Composition:** The Striking Committee shall be comprised of three (3) Members of Council, being the Mayor, Deputy Mayor and the most senior member of Council. If there is more than one senior member of Council, the appointment shall be made in alphabetical order by the Councillor's surname. If for any reason, a member is unable to fulfill the appointment, the appointment shall go to the next most senior member. The appointment of the Striking Committee members shall be confirmed at the Inaugural Meeting of Council.
  
- c. **Procedures:** The Striking Committee shall meet on an as needed basis to fulfill its Mandate as outlined in Section 1.a. above. Each member of the Striking Committee shall have one (1) vote. The Clerk shall record the meeting minutes.

**2. APPOINTMENTS TO COMMITTEES OF THE COUNCIL, OTHER BOARDS AND EXTERNAL AGENCIES - COUNCIL MEMBERS**

- a. Appointments of Council Members to Committees of the Council, other boards and external agencies shall be for the term of Council, unless otherwise determined by Council resolution or by-law, and will expire once the new Council has taken office in an election year, except as otherwise provided for by legislation. Appointments of Members of Council will take place as follows:
  
- b. As soon as possible after the municipal election, the Council-elect shall receive a list of vacancies to which Council appoints its members.
  
- c. By November 15th in an election year, members of Council-elect shall submit a list of vacancies on committees of Council, other boards and external agencies to which they seek appointment to the Clerk. The list of vacancies shall include "County Council Alternate" for which a Council member may be appointed.
  
- d. The Clerk shall compile a list of the requests of Council-elect members for the Striking Committee.
  
- e. The Striking Committee shall meet initially following the Inaugural Meeting to review the list and make recommendation to Council for the appointment of Council members to the vacancies.



- f. In deliberating, the Striking Committee shall consider the expressed preferences, interests and/or expertise of individual Council Members, in addition to the number of committees per Council Member.
- g. The appointment of Council members to Committees of the Council, other boards and external agencies shall take place at the first regular Council meeting in December in the year of the municipal election.

**3. APPOINTMENTS TO COMMITTEES OF THE COUNCIL, OTHER BOARDS AND EXTERNAL AGENCIES - CITIZEN MEMBERS**

- a. The term of office for appointments of citizen members to Committees of the Council, other boards and external agencies shall be concurrent with the term of Council, except as otherwise provided by legislation.
- b. To qualify, applicants must:
  - be a Canadian citizen,
  - be a resident or taxpayer of Perth, unless otherwise provided by by-law, and
  - not be an employee of the Town of Perth or the County of Lanark.
- c. Following the election, the Clerk will prepare a notice, to be placed on the Town's website and social media sites advising citizens of the opportunity to serve on various Committees of the Council and other Boards and Bodies. Interested applicants shall submit to the Clerk a completed "Application to Serve on a Committee of the Council of the Town of Perth" form. The notice shall be published a minimum of two (2) weeks prior to the deadline for receiving applications.
- d. Applications may be kept on file for the purposes of amending or adding to the membership of the Committee of the Council or other Board or Body.
- e. The Clerk shall prepare a list of the names of candidates for each Committee of the Council, other Board or Body with a copy of the application attached. The Striking Committee shall meet, in Closed Session, to review the applications and make recommendations to Council for the appointment of citizen members.
- f. The appointment of citizens members shall take place at the first regular Council Meeting in December in the year of the municipal election.
- g. The Clerk shall notify the successful members and provide a list of members to each Recording Secretary.
- h. Any member wishing to resign shall provide his/her resignation in writing to the Chair with a copy to the Clerk.
- i. Vacancies that occur during the term shall be filled as soon as possible using the appointment process described above.

- j. Vacancies that occur less than 90 days prior to completion of the term will not be filled unless there is a need to replace members to achieve a quorum.
- k. Council, at its sole discretion, may provide notice of any vacancies that occur from time to time.

## **Schedule "F" - Appointment Process to Fill a Vacancy on Council**

If a vacancy occurs in the office of a member of Council and Council chooses to fill the vacancy by appointing a person who has consented to accept the office if appointed, the following process shall be followed.

### **Mayor Appointment Process**

In the event of a vacancy in the Office of Mayor, the Deputy Mayor will assume the Office of Mayor, if consented to by the Deputy Mayor for the remainder of the term of the person he or she replaced.

Should the Deputy Mayor decline the appointment to the Office of Mayor the procedure will be as follows:

1. Declare the position of Mayor vacant by By-law and forward By-law to the Clerk of Lanark County.
2. Members of Council interested in the position of Mayor shall submit their Expression of Interest to the Clerk by \_\_\_\_\_ and the Clerk shall circulate same to Council in the Council agenda package of \_\_\_\_\_
3. Those members of Council having submitted their Expression of Interest to the Clerk in accordance with the above shall be deemed to be a candidate for the purposes of this process.
4. At the Council meeting on \_\_\_\_\_, at \_\_\_\_ pm, each candidate, in alphabetical order, will be given the opportunity to speak for five (5) minutes and only members of Council shall be allowed to ask questions.
5. Following the presentations of all candidates, each candidate will be voted on by show of hands, in an open manner in alphabetical order by all members of Council. The votes will be tallied by the Clerk.
6. In the event of a tie vote, those candidates' names shall be placed in the "hat" and one name drawn by the CAO.
7. The name of the candidate receiving the most votes, or drawn in the event of a tie, shall be put forward for appointment to the position of Mayor by By-law.

*Note: In the spirit of good will and cohesiveness, the resulting By-law appointing the candidate as the Mayor should by all accounts receive unanimous support.*

8. However; if the resulting By-law to appoint the Mayor is defeated, the rules of the Procedure By-law shall be suspended, and the process shall recommence with each candidate being voted on by Council (Step #5).

9. The new Mayor shall be sworn in by the Clerk by completing the Declaration of Office form and shall assume the position of Mayor immediately, for the remainder of the term of Council.
10. The Clerk shall notify the Clerk of Lanark County of the Mayor's appointment.

#### Deputy Mayor Appointment Process

The appointment of the Deputy Mayor from within Council will be according to the following procedure:

1. Declare the position of Deputy Mayor vacant by By-law and forward By-law to the Clerk of Lanark County.
2. Members of Council interested in the position of Deputy Mayor shall submit their Expression of Interest to the Clerk by \_\_\_\_\_ and the Clerk shall circulate same to Council in the Council agenda package of \_\_\_\_\_
3. Those members of Council having submitted their Expression of Interest to the Clerk in accordance with the above, shall be deemed to be a candidate for the purposes of this process.
4. At the Council meeting on \_\_\_\_\_, at \_\_\_\_ pm, each candidate, in alphabetical order, will be given the opportunity to speak for five (5) minutes and only members of Council shall be allowed to ask questions.
5. Following the presentations of all candidates, each candidate will be voted on by all members of Council in an open manner, in alphabetical order. The votes will be tallied by the Clerk.
6. In the event of a tie vote, those candidates' names shall be placed in the "hat" and one name drawn by the CAO (CAO).
7. The name of the candidate receiving the most votes, or drawn in the event of a tie, shall be put forward for appointment to the position of Deputy Mayor by By-law.

*Note: In the spirit of good will and cohesiveness, the resulting By-law appointing the candidate as the Deputy Mayor should by all accounts receive unanimous support.*

8. However; if the resulting By-law to appoint the Deputy Mayor is defeated, the rules of the Procedure By-law shall be suspended, and the process shall recommence with each candidate being voted on by Council (Step #5).
9. The new Deputy Mayor shall be sworn in by the Clerk by completing the Declaration of Office form and shall assume the position of Deputy Mayor immediately for the remainder of the term of Council.
10. The Clerk shall notify the Clerk of Lanark County of the Deputy Mayor's appointment.

### Councillor Appointment Process

The appointment of a Councillor will be in one of two (2) ways:

- A Appoint the unsuccessful candidate from the last election who received the most votes.
  
- B. Appoint a Councillor according to the following procedure:
  - 1. Declare the position of Councillor vacant by By-law.
  
  - 2. A Request for Expressions of Interest to be placed in the local media and on the website at the earliest opportunity requiring all qualified Electors to respond to the Clerk, in person, by \_\_\_\_\_.
  
  - 3. Upon submission of Expressions of Interest, qualified candidates shall complete the Declaration of Qualification form.
  
  - 4. The Clerk shall circulate the Expression of Interest to Council in the Council Agenda package of \_\_\_\_\_ and subsequently send 4 to 6 questions (To be determined by Council) to candidates.
  
  - 5. At the Council meeting on \_\_\_\_\_, at \_\_\_pm, each candidate, in alphabetical order:
    - l. shall be given the opportunity to speak and/or present for a maximum of ten (10) minutes; and
    - m. may speak to their Expression of Interest if they choose; however, they must answer the 4 to 6 questions within the ten (10) minutes allotted.Only Members of Council shall be allowed to ask questions.
  
  - 6. Following the presentations of all candidates', each candidate will be voted on by all members of Council in an open manner, in alphabetical order. The votes will be tallied by the Clerk.
  
  - 7. In the event of a tie, those candidates' names shall be placed in the "hat" and one name drawn by the CAO (CAO).
  
  - 8. The name of the candidate receiving the most votes, or drawn in the event of a tie, shall be put forward for appointment to the position of Councillor by By-law.
  
  - 9. However; if the resulting By-law to appoint the Councillor is defeated, the rules of the Procedure By-law shall be suspended, and the process shall recommence with each candidate being voted on by Council (Step #6).
  
  - 10. The new Councillor shall be sworn in by the Clerk by completing the Declaration of Office form and shall assume the position of Councillor immediately for the remainder of the term of the person he or she replaced.

# **Schedule “G” - Electronic Meeting Management Guide**

## **1. Purpose**

This document provides procedures for the conduct of Electronic Meetings of Council and Committees of The Corporation of the Town of Perth in accordance with By-law No. 51xx, Meeting Procedural By-law. Definitions contained within this guide are the same as found in the Council Procedural By-Law unless otherwise noted.

## **2. Technology**

The Town Clerk, in consultation with the CAO and the Director of Corporate Services will determine the most suitable technology or platform for conducting Electronic Meetings.

To facilitate quality audio and video during an Electronic Meeting, it is recommended that meeting participants participate using a laptop or computer connected to a hardwired Internet connection via Ethernet cable. The use of a headset with microphone is also recommended for all meeting participants.

## **3. Member / Staff Attendance**

A Member wishing to participate in a meeting via electronic means shall advise the Clerk of their desire to do so at least six (6) hours before the scheduled start of the meeting.

The Mayor or Deputy Mayor, or in the case of a Committee, Chair or Vice-Chair, shall attend an Electronic Meeting in-person in Council Chambers with the Clerk or Recording Secretary, as applicable. This requirement shall not apply to an Electronic Meeting held during an Emergency. For purposes of this guide, “Emergency” means any period of time during which an emergency has been declared to exist in all or part of the Town of Perth under Sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act, R.S.O., 1990, Chapter E. 9, as amended or re-enacted from time to time.

## **4. Meeting Etiquette and Process**

In addition to Section 7.0 of the Council Procedural By-law (Rules of Conduct for Members, Staff and Attendees), the following rules of etiquette shall be applied to all participants during an Electronic Meeting:

- Virtual backgrounds may be used by meeting participants. The Chair may request a virtual background be removed if the background is causing a distraction to the meeting or if the participant is experiencing connection issues;
- All microphones shall be muted for the duration of the meeting except when an individual is speaking; individuals who do not self-mute when they are not speaking will be muted by the meeting host;
- Presentations shall be displayed and controlled by Town staff acting as the meeting host.
- Members attending a Closed Session Electronic Meeting shall confirm with the Chair at the beginning of the meeting that they are alone in a room where no other person can hear and/or see the meeting proceedings.

## **5. Voting**

A Member participating via electronic means who does not have their camera enabled during a vote will be deemed to have been absent during the vote. In the event that a Member cannot be seen on camera, but still wishes to record their vote, a Member may verbally indicate their vote to be counted by the Chair.

In the event of a connection or service interruption for a Member participating via electronic means during a vote, the Chair may recess the meeting for up to five minutes. If after more than five minutes there is no connection with the Member, the meeting shall resume, and the Member shall be deemed to have been absent during the vote.

If quorum is lost due to a connection or service interruption for a Member participating via electronic means, the Chair shall request the Clerk to call a recess in accordance with Subsection 10.2.7 of the Council Procedural By-law.

## **6. Delegation / Public Attendance**

For an Electronic Meeting held during an Emergency, all Delegations and public attendance will be conducted via electronic means.

For an Electronic Meeting held outside an Emergency, Delegations will have the option to participate in-person or via electronic means and shall indicate their preferred method of participation at the time of registering their Delegation. Delegations will be provided with a link to the Electronic Meeting which will allow participation.

Members of the public wishing to attend a Council or Committee meeting may do so by:

- physically attending Town Hall, or
- watching the meeting via live-stream.

At the conclusion of their delegation, Delegations participating virtually will be placed into the waiting room and are invited to continue to follow the meeting via live-stream.

## SCHEDULE "H"

### Motions

Motion Ranking	Moved & Seconded	Debatable	Disposition Priority	If Affirmative	If Negative	Amendable	Conditions
Adjourn	YES	NO	<ul style="list-style-type: none"> <li>shall be resolved prior to any other motion being moved</li> </ul>	<ul style="list-style-type: none"> <li>Council shall immediately rise and no further proceedings shall take place</li> <li>all unfinished business on the agenda shall be included on the agenda of the next meeting</li> </ul>	<ul style="list-style-type: none"> <li>the meeting shall resume at the point immediately prior to the point at which the motion to adjourn was moved</li> <li>a subsequent motion to adjourn at the same meeting may not be introduced prior to further business being conducted</li> </ul>	NO	<ul style="list-style-type: none"> <li>shall not include qualifications or additional statements</li> <li>shall always be in order except when a Member is speaking or the Members are voting</li> </ul>
Extend Curfew	YES	NO	<ul style="list-style-type: none"> <li>shall be resolved prior to any other motion being moved</li> </ul>	<ul style="list-style-type: none"> <li>no meetings shall proceed beyond the hour of 10:00 p.m., unless a Recommendation or Motion to proceed beyond 10:00 p.m. to address an urgent matter(s) is approved by a unanimous vote</li> </ul>	<ul style="list-style-type: none"> <li>the Chair shall immediately declare the meeting adjourned</li> </ul>	NO	<ul style="list-style-type: none"> <li>shall always be in order except when a Member is speaking or the Members are voting</li> <li>shall require a two-thirds vote of the Members present</li> </ul>
Recess	YES, EXCEPT AT COMMITTEE	NO	<ul style="list-style-type: none"> <li>shall be resolved prior to any other motion being moved</li> </ul>	<ul style="list-style-type: none"> <li>the meeting shall recess</li> </ul>	<ul style="list-style-type: none"> <li>the meeting shall not recess</li> </ul>	TIME ONLY	<ul style="list-style-type: none"> <li>shall be in order if no question is pending</li> </ul>



Motion Ranking	Moved & Seconded	Debatable	Disposition Priority	If Affirmative	If Negative	Amendable	Conditions
Withdraw	YES Mover & Secunder of the main motion	NO	<ul style="list-style-type: none"> <li>shall receive disposition prior to any other motion being presented</li> </ul>	<ul style="list-style-type: none"> <li>the motion is withdrawn</li> </ul>	<ul style="list-style-type: none"> <li>vote on the main motion</li> </ul>	NO	<ul style="list-style-type: none"> <li>majority vote</li> <li>shall be in order if decision has not been made</li> </ul>
Close Debate (Call the Question)	YES	NO	<ul style="list-style-type: none"> <li>shall apply to the motion or amendment under debate</li> </ul>	<ul style="list-style-type: none"> <li>Council shall immediately vote on the question without further debate or comment</li> </ul>	<ul style="list-style-type: none"> <li>debate shall continue</li> </ul>	NO	<ul style="list-style-type: none"> <li>shall not be permitted in any committee</li> <li>shall require a two-thirds vote of the Members present</li> </ul>
Defer (Postpone/ Table)	YES	YES, DATE AND TIME ONLY	<ul style="list-style-type: none"> <li>shall be resolved prior to the main motion</li> <li>shall be resolved prior to the preceding motion</li> </ul>	<ul style="list-style-type: none"> <li>no further debate until motion returns to the agenda</li> </ul>	<ul style="list-style-type: none"> <li>vote on the main motion</li> </ul>	YES DATE AND TIME ONLY	<ul style="list-style-type: none"> <li>shall not include qualifications or additional statements</li> <li>shall preclude amendment, but not debate, to the preceding motion until the motion to defer to a certain date and/or time is resolved</li> </ul>
Refer (Commit)	YES	YES	<ul style="list-style-type: none"> <li>shall preclude any amendment or debate to any previous motion unless resolved in the negative</li> </ul>	<ul style="list-style-type: none"> <li>there shall be no further debate</li> </ul>	<ul style="list-style-type: none"> <li>vote on the main motion</li> </ul>	YES	<ul style="list-style-type: none"> <li>shall state the committee, employee or solicitor of the Municipality to which the matter shall be referred</li> </ul>

<b>Amend Main Motion (Primary Amendment)</b>	<b>YES</b>	<b>YES</b>	<ul style="list-style-type: none"> <li>shall receive disposition prior to the main motion</li> </ul>	<ul style="list-style-type: none"> <li>Council shall vote on the main motion as amended</li> </ul>	<ul style="list-style-type: none"> <li>vote on the main motion or</li> <li>secondary amendment may be proposed</li> </ul>	<b>YES</b>	<ul style="list-style-type: none"> <li>shall not propose a negative to the main motion</li> <li>shall not propose two distinct proposals of amendment to the main motion</li> <li>shall not change the intent of the main motion</li> <li>shall have only one motion to amend the main motion at one time</li> </ul>
<b>Motion Ranking</b>	<b>Moved &amp; Seconded</b>	<b>Debatable</b>	<b>Disposition Priority</b>	<b>If Affirmative</b>	<b>If Negative</b>	<b>Amendable</b>	<b>Conditions</b>
<b>Amend Amendment (Secondary Amendment)</b>	<b>YES</b>	<b>YES</b>	<ul style="list-style-type: none"> <li>shall receive disposition prior to the primary amending motion</li> </ul>	<ul style="list-style-type: none"> <li>Council shall vote on the primary amending motion as amended</li> </ul>	<ul style="list-style-type: none"> <li>vote on the primary amending motion</li> <li>propose a secondary amendment</li> </ul>	<b>NO</b>	<ul style="list-style-type: none"> <li>shall not propose a direct negative to the primary amending motion</li> <li>shall not propose two distinct proposals of amendment to the primary amending motion</li> <li>shall not change the intent of the primary amending motion</li> <li>shall have only one motion to amend the primary amending motion at one time</li> <li>an amendment of the third degree is not permitted</li> </ul>

<b>Defer Indefinitely (Postpone/ Table Indefinitely)</b>	<b>YES</b>	<b>YES</b>	<ul style="list-style-type: none"> <li>shall be resolved prior to the main motion</li> <li>shall be resolved prior to any preceding motion</li> </ul>	<ul style="list-style-type: none"> <li>the preceding motion and any amendments thereto shall be removed from Council's consideration indefinitely</li> <li>the motion to defer indefinitely may be reconsidered</li> </ul>	<ul style="list-style-type: none"> <li>disposition of the main motion</li> <li>cannot put forward another motion to defer indefinitely regarding the main motion</li> </ul>	<b>NO</b>	<ul style="list-style-type: none"> <li>shall not include qualifications or additional statements</li> <li>shall preclude amendment, but not debate, to the preceding motion until the motion to defer indefinitely is resolved</li> </ul>
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<b>Motion Ranking</b>	<b>Moved &amp; Seconded</b>	<b>Debatable</b>	<b>Disposition Priority</b>	<b>If Affirmative</b>	<b>If Negative</b>	<b>Amendable</b>	<b>Conditions</b>
<b>Divide</b>	<b>YES</b>	<b>YES</b>	<ul style="list-style-type: none"> <li>shall receive disposition prior to the main motion</li> </ul>	<ul style="list-style-type: none"> <li>the debate and vote shall be on separate and distinct proposals from the main motion</li> </ul>	<ul style="list-style-type: none"> <li>disposition of the main motion in its entirety</li> </ul>	<b>YES</b>	<ul style="list-style-type: none"> <li>shall only be in order when the main motion to be divided contains two or more separate and distinct proposals</li> <li>divide when pecuniary interest declared</li> </ul>
<b>Main</b>	<b>YES</b>	<b>YES</b>	N/A	<ul style="list-style-type: none"> <li>the motion is carried</li> </ul>	<ul style="list-style-type: none"> <li>the motion is defeated</li> </ul>	<b>YES</b>	<ul style="list-style-type: none"> <li>majority vote unless otherwise provided</li> </ul>

## **Ranking Motions**

The following list ranks motions in descending order, such that each takes precedence and shall be decided before others ranking below it in the list:

- a) adjourn;
- b) extend curfew;
- c) recess;
- d) withdraw;
- e) close debate (call the question);
- f) defer (postpone/table);
- g) refer (commit);
- h) amend amendment;
- i) amend main motion;
- j) defer indefinitely (postpone/table indefinitely);
- k) divide;
- l) main motion.