

THE CORPORATION OF THE TOWNSHIP OF PERTH SOUTH

BY-LAW NO. 15-2012

Being a By-law to establish a policy to govern the calling, place and proceedings of the Council & Committees of the Corporation of the Township of Perth South and to provide public notice of meetings

WHEREAS Section 238(2) of the *Municipal Act, S.O. 2001, c. 25* as amended, requires every municipality to pass a Procedural By-law for governing the calling, place and proceedings of meetings;

AND WHEREAS Section 238(2.1) of the *Municipal Act, S.O. 2001, c. 25* as amended, requires that the Procedural By-law shall provide for public notice of meetings;

AND WHEREAS the Council of The Corporation of the Township of Perth South deems it expedient to enact a new By-law to govern the calling, place and proceedings of the Council and to provide for public notice of meetings in accordance with the Act;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF PERTH SOUTH HEREBY ENACTS AS FOLLOWS:

1. **SHORT TITLE**

This By-law shall be cited as the "Council & Committee Procedure By-law".

2. **DEFINITIONS**

In this By-law:

2.1 "Act" means the Municipal Act, 2001, as amended from time to time.

2.2 "Ad Hoc Committee" means a special purpose Committee of limited duration, appointed by Council to consider a specific matter and which is dissolved automatically upon submitting its final report to Council, unless otherwise directed by Council.

2.3 "Adjourn" means to end the meeting. This motion requires a second, is not debatable, is not amendable, requires a majority vote for adoption and cannot be reconsidered.

2.4 "Advisory Committee" means a Committee established by Council to advise on matters which Council has deemed appropriate for the Committee to consider.

2.5 "Chair" means the person presiding at a meeting whether it be the Head of Council, Acting Head of Council or Chairperson of any Committee.

- 2.6 “Chief Administrative Officer” means the Chief Administrative Officer (CAO) or designate of The Corporation of the Township of Perth South, appointed by By-law.
- 2.7 “Clerk” means the Clerk or designate of The Corporation of the Township of Perth South, appointed by By-law.
- 2.8 “Closed Session” means a meeting, or portion thereof, closed to the public in accordance with Section 239 of the *Municipal Act, 2001* and Section 5.6 and 5.7 of this By-law.
- 2.9 “Committee” means Ad Hoc, Advisory or Joint Committees which may be appointed by Council from time to time.
- 2.10 “Community Control Group” means the officials designated to control the emergency operations for the Corporation when it becomes necessary to activate the Emergency Response Plan.
- 2.11 “Confirmatory By-law” means a By-law of Council that adopts all resolutions passed at a Council meeting.
- 2.12 “Consent Agenda” means a grouping of items on a Council agenda that require no actions by Council other than receiving for information. The only time that an item should be removed from a consent agenda is if it is determined that action, a decision is required, or significant further discussion is needed. Items to be included on a consent agenda may include, but is not limited to:
- Approval of Council minutes;
 - Staff or Committee reports provided for information purposes only;
 - Items of correspondence which may be discussed, but required no action on the part of Council;
- 2.13 “Corporation” means The Corporation of the Township of Perth South.
- 2.14 “Correspondence” includes, but is not limited to, the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, etc., that may require an action or decision of Council or a Committee.
- 2.15 “Council” means the Council of The Corporation of the Township of Perth South.
- 2.16 “Councillor” means a person elected or appointed as a Member of Council.
- 2.17 “Defer” means to postpone all discussion on the matter until later in the same meeting or to a future date which is established as part of the motion.

- 2.18 "Delegation" means a person or group of persons who address Council or a Committee on behalf of an individual or a group for the purpose of making a presentation to Council or a Committee.
- 2.19 "Deputy Mayor" means the Councillor appointed by Council to act in the place of the Mayor in accordance with this by-law.
- 2.20 "Head of Council" means the Mayor (or Deputy) and who shall preside at all meetings of the Council. See Section 9 and Section 10 for details on the role of the Head of Council.
- 2.21 "Joint Committee" means a Committee established by Council where members of the Committee are appointed by Council and any combination of the member or neighbouring municipalities as considered appropriate and may act in advisory or ad hoc nature.
- 2.22 "Majority" means more than half of the votes cast by members entitled to vote.
- 2.23 "Mayor" means the Head of Council who has been elected by general vote to represent the electors in the Township of Perth South.
- 2.24 "Meeting" means any meeting of the Council or a Committee.
- 2.25 "Member" means a Member of Council or a Committee as defined in this By-law.
- 2.26 "Member Municipality" means the County of Perth, Township of Perth East, Township of Perth South, Municipality of North Perth and Municipality of West Perth.
- 2.27 "Minutes" means a record of the proceedings of Council or Committee, that includes the place, date, time, name of Chair, list of members in attendance, evidence of quorum. Minutes will record the actions taken and decisions made by members at the meeting without note or comment in accordance with Section 239(7) of the Municipal Act.
- 2.28 "Municipality" means The Corporation of the Township of Perth South.
- 2.29 "Pecuniary Interest" includes a direct or indirect financial interest of a member and a financial interest deemed to be that of a member, in accordance with Sections 2 and 3 of the Municipal Conflict of Interest Act, 1990.
- 2.30 "Point of Order" means an interjection by a council member, who does not have the floor, to call the attention to the Chair to an alleged breach or violation of the meeting's rules of order.

- 2.31 "Quorum" means the minimum number of required members (fifty percent plus one of the membership) to be in attendance to conduct the business of the meeting and vote on any matter or question to achieve a simple majority.
- 2.32 "Recess" means a short break taken during a meeting and is of a duration established by the Chair.
- 2.33 "Recorded Vote" means the recording of the name and vote of every Member of Council or a Committee who is present when the vote is called on any matter of question.
- 2.34 "Refer" means to direct a matter under discussion by Council or Committee to a Staff Member for further examination.
- 2.35 "Regular Meeting" means a scheduled meeting held in accordance with Section 5.3 of this By-law.
- 2.36 "Reports" means written documents by municipal employees, committees, consultants, solicitors or other individuals appointed at the pleasure of Council for the purpose of providing advice, alternatives and/or recommendations on various matters.
- 2.37 "Resolution" means a formal state of opinion or intention adopted by Council in accordance with these rules.
- 2.38 "Rules and Regulations" means the applicable regulations contained in this By-law.

3. **AUTHORITY**

The *Municipal Act, 2001* provides that the Council may determine its own rules of procedure for meetings. The following set of rules shall be in effect upon their adoption by the Council until such time as they are amended or new rules adopted.

4. **GENERAL RULES**

- 4.1 The Rules and Regulations contained in this By-law shall be observed in all proceedings of the Council and shall be the Rules and Regulations for the order and dispatch of business in Council and Committees.
- 4.2 Any procedure under this By-law that is discretionary and not mandatory under statute may be suspended, by a 2/3 vote of all members present.
- 4.2.1 With the approval of the Head of Council and the consensus of

Council, the Rules of Order may be temporarily suspended during a Council meeting in order to permit **extended debate** on a specific item of business. Refer to Section 25.5.

- 4.3 In any case for which provision is not made in these Rules and Regulations, the procedure to be followed shall be as near as may be that followed in Roberts Rules of Order (10th Edition).

5. **MEETINGS**

5.1 Location of Meetings

All meetings of the Council shall take place in the Council Chambers at the Municipal Office, 3191 Road 122, St. Pauls, Ontario. Notwithstanding the foregoing that meetings be held in the Council Chambers, the Council shall determine, at their discretion, other locations from time to time for meetings as deemed necessary.

5.2 Inaugural Meeting

- a) The Inaugural Meeting of the new Council, in each term, will be held on the first Tuesday of December after a regular election in the Council Chambers of the Municipal Office at the hour of 10:00 a.m.

5.3 Regular Meeting

- a) Regular meetings shall be held on the first and third Tuesday of each month except for the month of July and August, wherein the regular meetings of the Council shall consist of one (1) meeting as determined by the Council. The meetings shall commence at the hour of 9:30 a.m. on the first Tuesday of each month and at the hour of 7:00 p.m. on the third Tuesday of each month or at such other time as directed by the Council.
- b) The Council may, by resolution, alter the date and/or time of a regular meeting provided that adequate notice of such change has been posted and/or published.
- c) The Clerk, in consultation with the CAO and with the approval of the Head of Council, may cancel a meeting of Council when, in their opinion, there is sufficient cause to do so.
- d) No meeting of Council is a properly constituted meeting unless the Clerk or his/her designate is present.

5.4 Special Meetings

- a) The Head of Council may, at any time call a special meeting of Council or upon receipt of a petition of the majority of the Members of Council, the Clerk shall call a special meeting of Council for the purpose and at the time mentioned in the petition.
- b) No business may be transacted at a special meeting other than that specified in the Notice or Agenda.

5.5 Emergency Meetings

- a) In the event of a bona fide emergency as determined by the Head of Council, the Chief Administrative Officer, or the Clerk, a meeting may be held as soon as practical following receipt of a summons. The summons may be given by a manner as determined by the Clerk.

5.6 Closed Session – Council and Committees

All meetings of Council shall be open to the public except as provided for in Section 239 of the Municipal Act, S.O. 2001.

- a) A meeting or part of a meeting may be closed to the public if the subject matter being considered is:
 - The security of the property of the Corporation,
 - Personal matters about an identifiable individual, including municipal or local board employees;
 - A proposed or pending acquisition or disposal of land by the Corporation;
 - Employee negotiations of labour relations;
 - Litigation or potential litigation, including matters before administrative tribunals, affecting the Corporation;
 - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - A matter in respect of which a Council, Board, Committee or other body may hold a closed meeting under another Act.
- b) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the Council is designated as head of the institution for the purposes of that Act.
- c) A meeting of the Council or Committee may be closed to the public if the following conditions are both satisfied:

- The meeting is held for the purpose of educating or training the members.
 - 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 or Committee.
- d) For purposes of this section, a meeting not open to the Public shall be called a "Closed Session".
- e) The published agenda for Council or a Committee shall indicate the fact that a Closed Session meeting is required. The Agenda will provide as much detail as possible regarding the nature of business to be conducted in Closed Session without jeopardizing the intent of Section 239 of the Municipal Act, 2001.
- f) Before holding a meeting or part of a meeting that is to be closed to the public, the Council or Committee shall state by resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or in the case of a meeting that is an educational or training session, the fact of the holding of the closed meeting, the general nature of its subject matter and that it is to be closed as an educational or training session.
- g) A meeting shall not be closed to the public during the taking of a vote except when the meeting is for a purpose as outlined in Section 5.6(a) or 5.6(b) and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Corporation or persons retained by or under contract with the Corporation, including the investigation and deliberation regarding an alleged breach of the Council Code of Conduct.
- h) When a Closed Meeting comes to an end Council and/or the Committee shall report to the open session the nature of the Closed Session meeting and provide as much information to open session without jeopardizing the intent of Section 239 of the Municipal Act, 2001.
- i) When a Closed Session is necessary, it will be a requirement that the minutes shall be prepared and approved at the next scheduled Closed Session.
- j) The Clerk shall be responsible for maintaining a confidential copy of all original documentation distributed, relating to closed sessions, and for keeping confidential minutes of all closed sessions.
- k) Subject to the provisions of this Section, Council may hear delegations in Closed Session.

- l) It shall be the responsibility of Council, Committees and Staff to respect the confidentiality of all matters disclosed to them and materials provided to them during Closed Sessions that are required to be kept confidential.

5.7 Education and Training Sessions

- a) The Council may decide, at a meeting open to the public, to convene an informal gathering of its members to receive and discuss information or advice of a general nature involving subject matters of interest to the members, at a time and place designated at that time by the Council.
- b) The Council, in deciding to convene an Education & Training Session, shall designate the general purpose or purposes for which the session is to be held.
- c) An Education & Training Session may be held at any place designated by the Council at the time at which it makes its decision to convene the session, whether or not it is within the boundaries of the municipality or elsewhere.
- d) All Members of Council respectively are entitled to attend the session, together with designated Staff or consultants retained by the municipality, but the Council, in deciding to convene the session, may decide to exclude the public therefrom.
- e) No motion, resolution, by-law, debate, agreement in principle, consensus, straw-vote, report, recommendation, or other action or decision may be proposed, discussed, decided upon, adopted, taken or made at an Education & Training Session.
- f) The Recording Secretary shall take notes describing in general terms each subject matter dealt with at the Education & Training Session.
- g) The notes taken pursuant to 5.7 (f) shall, after the conclusion of the session, be maintained as a public record under the control of the Clerk.

5.8 Committees

- a) Special or Ad Hoc or Joint Committees may be established from time to time by Council to consider a specific matter.
- b) All Committees shall report directly to Council.

- c) The format of the agenda will be similar to that of Council (Section 16) but are permitted to remove certain sections on approval of the Clerk.
- d) Council shall adopt a Terms of Reference for every Committee.
- e) The Terms of Reference shall establish (as least) the following:
 - a. The purpose, goal, authority and scope of the Committee;
 - b. Member composition, numbers and method of appointing a Chair;
 - c. The location, date, time and frequency of meetings;
 - d. The Department Head(s) responsible for providing support, advise and expertise to the Committee;
 - e. That the Department Head(s) shall ensure that all recommendations to Council by the Committee are brought forward to Council in a timely fashion for consideration;
 - f. That the Chairperson and Department Head(s) shall, at the direction of the Committee and or Council facilitate clear communication of information between Council and the Committee;
 - g. A Recording Secretary for the Committee;
 - h. That the minutes of a Committee shall be circulated to Council via the regular Council Agenda. Council shall receive the minutes for information purposes only as any recommendation of a Committee shall be brought forward to Council in a separate report by the Department Head(s);
 - i. That a Committee Chair may cancel a meeting if he or she determines that there is insufficient items for consideration by the Committee;
 - j. The rules and regulations contained in this By-law, with necessary modifications, shall be observed in all proceedings of the Committee for the order and conduct of business therein.
 - k. That Council shall dissolve a Committee, by resolution, when the purpose and goals have been met or at any other time when Council deems it appropriate.
- g) Council may appoint representatives to serve on any outside Board or Committee, or any other body to which Council is required or empowered to appoint a representative. Appointments to such Boards/Committees may be a Member of Council or may be a person appointed from amongst its ratepayers and staff.

When appointing members from amongst its ratepayers, the form provided in Schedule "C" of this By-law shall be utilized.

- h) At the first Regular Meeting of Council the Council shall:
 - 1. Appoint members to various Committees and boards;

2. Appointment of members to Committees and boards for a terms of four years;
 3. Appoint non-Council members to Committees and boards as determined in policy or the Terms of Reference for the Committee.
- i) The composition of councillor appointments for Perth South Committees and outside Boards and Agencies is set out in Schedule "A" of this By-law.

6. **NOTICE OF MEETINGS**

6.1 Notice for Regular Council Meetings:

- a) Prior to the first meeting in each calendar year, the Council shall establish a schedule of all regular Council meeting dates for such calendar year. The schedule shall include the date, time and location of the meetings and shall be posted on the municipal website at the beginning of each year. The meeting schedule is subject to change as necessary;
- b) Notwithstanding the above, the published agenda shall be considered as adequate notice of Regular Meetings of Council, except for meetings held on a day or at a time other than as provided for in this By-law. The Agenda shall include the date, time and place of commencement of the meeting;
- c) The Clerk shall ensure that a copy of the Agenda for each Regular Council Meeting is posted for public viewing on the municipal website no later than 4:30 p.m. on the Friday preceding the scheduled meeting.

6.2 Notice for Special Council Meetings:

- a) The Clerk shall ensure that notice of each special meeting of Council is provided to each Member of Council at least forty-eight (48) hours in advance of the said meeting or as soon as practicable. The Clerk shall provide notice of such meeting by posting for public viewing on the municipal website a copy of the Agenda for the special meeting and/or updating the meeting schedule that is posted on the municipal website.

6.3 Notice for Emergency Council Meetings:

- a) The forty-eight (48) hours notice required by Section 6.2.1 may be waived in the case of emergency or extraordinary situation, as may be determined by the Head of Council (or alternate);

- b) An emergency meeting may be called by the Head of Council or in the absence of the Head, the Emergency Control Group or CAO;
- c) In such case, the Clerk (or designate) shall attempt to advise the members of Council about the call of the emergency meeting as soon as possible and in the most expedient manner available;
- d) For the purpose of Notice, notice shall be posted on the Township website;
- e) Where proper notice was not possible due to the circumstances of the emergency, the Clerk will endeavor to make the fact of the meeting public as soon as possible after the meeting has taken place.

6.4 Notice for Committee Meetings:

- a) Notice of meetings indicating the date, time and location for Committee meeting shall be posted on the Township website by 4:30 p.m. on the Friday prior to the meeting. All other requirements for notice indicated in this by-law shall be adhered to by the Committee.

6.5 Lack of receipt of the notice by any member shall not affect the validity of holding the meeting nor any action taken at the meeting.

6.6 The business of a meeting shall be taken upon the order in which it stands in the Agenda, unless otherwise decided by Council or the Committee.

6.7 The notice requirements set out in this by-law are minimum requirements only, and the Clerk may give notice in an extended manner if in the opinion of the Clerk, the extended manner is reasonable and necessary in the circumstances.

6.8 Cancelling of Meetings – Inclement Weather

In the event that weather, road or other conditions beyond the control of Council prevent the holding of any Regular, Special, Ad Hoc Committee or Inaugural meeting, at the time established by this by-law, the said meeting shall be held at the same time on the next following day. The postponement may continue from day to day until such time as the condition preventing the holding of the meeting has passed.

Meetings may be cancelled or adjourned taking any of the following into consideration:

- Winter road closures by OPP, County or Lower Tier Public Works Departments

- County or Lower Tier Public Works crews have stopped plowing roads for a specified period of time
- Public Works crews have advised administration of hazardous road conditions
- Radio public service announcements are advising of cancellations in the area
- School bus cancellations
- Weather warnings by Environment Canada
- Ministry of Transportation road condition advisory
- Members of Council or staff report hazardous travelling conditions

Consultation will take place between the Mayor, CAO & Clerk regarding the meeting cancellations.

6.9 Notice of Cancelled Meeting

Where a meeting has been cancelled for any reason, Notice of the cancelled meeting shall be in the same form as notice for the meeting was made. In the case of a Council meeting, the Clerk (or designate) shall be responsible for giving notice. In the case of a Committee the Recording Secretary is responsible for giving notice.

Every effort will be made to notify all members of Council or the Committee and members of the public who have identified that they plan to attend.

The Clerk or the Recording Secretary shall provide notice of cancellation to Council, staff, the local media and all other interested parties as soon as possible in advance of the meeting.

6.10 Postponement of Meetings

Any regular meetings of the Council or a Committee may be postponed to a day named in:

- (a) A notice by the Head of Council or Committee Chair given through the Clerk's Office and twenty-four (24) hours in advance of the regular meeting; or
- (b) A resolution of Council or the Committee passed by the majority of the members.

Where a meeting has been postponed for any reason, Notice of the postponement shall be in the same form as the notice for the meeting was made. In the case of a Council meeting, the Clerk (or designate) shall be responsible for giving notice. In the case of a Committee the Recording Secretary is responsible for giving notice.

Every effort will be made to notify all members of Council or the Committee and members of the public who have identified that they plan to attend.

The Clerk or Recording Secretary shall provide notice of postponement to Council, staff, the local media and all other interested parties as soon as possible in advance of the meeting.

7. **CALLING OF MEETINGS TO ORDER AND QUORUM**

- 7.1 The Head of Council or the Chair shall call the members to order as soon after the hour fixed for holding of the meeting and quorum is present.
- 7.2 A majority of all Members of Council or the Committee shall constitute a quorum and be necessary for the transaction of business.
- 7.3 If a quorum is not present one-half (½) hour after the time appointed for the commencement of the meeting, the Clerk, his/her designate or the Committee Recording Secretary shall indicate that no quorum is present and record the names of those members in attendance and they shall adjourn to the appointed time for the next scheduled meeting.
- 7.4 Where the number of members who are unable to participate in a Council meeting by reason of the provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, such that, at that meeting the remaining members are insufficient to constitute a quorum, the remaining members shall be deemed to constitute a quorum, provided such number is not less than three (3).
- 7.5 If during the course of a meeting, a quorum is lost, the Chair shall declare that the meeting shall stand recessed temporarily or be adjourned until the date of the next regular meeting or other meeting called in accordance with the provisions of this By-law.
- 7.6 If in the event of a declared emergency, Council is not able to achieve quorum then they may enact the use of the Emergency Governance Committee. (Refer to Section 12)
- 7.7 If members are not going to be in attendance or are going to be late for a meeting, they shall contact the office of the Clerk or the Committee's Recording Secretary in advance of the meeting.

8. **ROLE OF COUNCIL**

- 8.1 It is the role of Council, per Section 224 of the Municipal Act, 2001, as amended:

- a) to represent the public and to consider the well-being and interests of the municipality;
 - b) to develop and evaluate the policies and programs of the municipality;
 - c) to determine which services the municipality provides;
 - d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
 - d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
 - (e) to maintain the financial integrity of the municipality; and
 - (f) to carry out the duties of Council under this or any other Act.
- 8.2 Members of Council shall come prepared to every meeting by having read all the material supplied, including agendas and staff reports, to facilitate discussion and the determination of action at the meeting.
- 8.3 Whenever possible, the Members shall make technical inquiries of staff regarding materials supplied in advance of the meeting.
- 8.4 Requests for substantive reports shall be by Council motion which shall identify the appropriate Division or Department Head and objectives of the report.
- 8.5 No member shall have the authority to direct or interfere with the performance of any work for the Corporation.
- 8.6 While in a Council or Committee meeting of any sort, Councillors and Committee members shall follow the following rules:
- a) Members shall only speak when recognized by the Chair;
 - b) Members shall only speak respectfully of Her Majesty the Queen or any member of the Royal Family, Governor-General, Lieutenant-Governor General or any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of Ontario;
 - c) Members shall not use indecent, offensive or insulting language in or against any Council or Councillor, staff, public or any other person. Further, no member will publish any derogatory or demeaning comment or opinion of Council, staff or member of the public;
 - d) Members shall only speak to the question in debate;
 - e) Members shall not debate any prior determination of the Council or

Committee except to conclude such remarks with a motion to rescind or reconsider such determination;

- f) Members shall not interrupt or disturb any member who has the floor except to raise a point of order;
- g) Members shall not disturb a meeting by disorderly conduct or comments;
- h) Members shall not leave their seat or make noise or cause a disturbance while a vote is being taken or until the result is declared;
- i) Members shall not leave the meeting when he/she does not intend to return thereto without first advising the Chair;
- j) Members shall abide by the rules of Council or the Committee, obey the decisions of the Council or Committee on questions of order or practice or upon the interpretations of the rules of order by the Council or Committee;
- k) In the events that a member of Council or a Committee persists in a breach of the rules of this By-law, after having been called to order by the Mayor or Chair, the Mayor or Chair shall put the question "shall the member be ordered to leave his/her seat for the duration of the meeting?". The Council or Committee shall vote on the question and the question is not debatable;
- l) If the Council or Committee decides the question set out in section 8.6 k) of this By-law in the affirmative by a majority vote of the members, the Mayor or Chair shall order the member to leave his/her seat for the duration of the meeting;
- m) If the member apologizes, the Mayor or Chair, with the approval of Council, may permit him/her to resume his/her seat;
- n) If a member does not leave his/her seat after being ordered to do so by the Mayor or Chair (in accordance with Section 8.6(l)) and if the member does not apologize (in accordance with Section 8.6(m)) then the Mayor or Chair shall seek appropriate assistance.
- o) Members must occupy their chairs while a vote is being taken and the results are being declared;
- p) Members may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking;

- q) Every member present shall vote when a question is put on the floor unless a Pecuniary Interest has been declared;
- r) Township Councillors shall officially be addressed as Councillor and Mayor as Mayor.

9. **ROLE OF HEAD OF COUNCIL**

9.1 It is the role of the Head of Council, per Section 225 of the Municipal Act, 2001, as amended:

- a) to act as Chief Executive Officer of the municipality;
- b) to preside over Council meetings so that business can be carried out efficiently and effectively;
- c) to provide leadership to Council;
without limiting clause (c), to provide information and recommendations to the Council with respect to the role of Council as described in Section 7.24 of this By-law and Section 224 of the Municipal Act, 2001, as amended;
- d) to represent the municipality at official functions; and
- e) to carry out the duties of the Head of Council under the Municipal Act or any other Act.

9.2 By virtue of their office, the Head of Council carries with it the right to participate fully in any meeting of a Committee or Board established by Council and to vote unless prohibited by law.

9.3 For the purposes of the Township of Perth South and Member Municipalities Joint Emergency Management Plan if the Head of Council is unavailable, the Deputy Head of Council or the Council Appointee shall be the alternate.

10. **ROLE OF HEAD OF COUNCIL AS CHIEF EXECUTIVE OFFICER**

10.1 It is the role of the Head of Council, per Section 226.1 of the Municipal Act, 2001, as amended:

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

11. **ABSENCE OF THE HEAD OF COUNCIL**

- 11.1 In the event that the Head of Council (Mayor) is absent; has a conflict under the Municipal Conflict of Interest Act; refuses to act; or the office becomes vacant, the Deputy Mayor shall act in the place and stead of the Head of Council, and while so acting the Deputy Mayor may exercise all the rights, powers and authority of the Chair.
- 11.2 In the absence of both the Head of Council and the Deputy Mayor, and if a quorum is present, the Council shall elect a Chair from amongst its members present (Section 238(4) of the Municipal Act, 2001). While presiding, the member appointed by the Council shall have all the powers of the Head of Council for the purpose of conducting the meeting.

12. **EMERGENCY GOVERNANCE COMMITTEE**

- 12.1 Section 23 of the Municipal Act, 2001 regulates the delegation of legislative and quasi-judicial powers.
- 12.2 In a declared emergency and where the decision making capability of a municipality may be compromised or where normal protocols may be impossible to meet, the Corporation may establish an Emergency Governance Committee to act in place of the Council.
- 12.3 The Emergency Governance Committee will only be formed if at least four members of the total seven-member Council are incapacitated through death, injury or illness and are unable to exercise their powers due to the inability to meet quorum.
- 12.4 The Emergency Governance Committee is comprised of a minimum of two and a maximum of three members of Council.
- 12.5 The Emergency Governance Committee is delegated the authority by Council to exercise its normal legislative, quasi-judicial and administrative powers, subject to the limitations of the Municipal Act, 2001, with such delegated authority to only be exercised:
- For the duration of an emergency which has been declared by the Head of Council or his/her designate, in accordance with the Corporation's Emergency Management Plan;
 - For Council's normal decision making processes, and not for the management or co-ordination of emergency response activities.
- 12.6 The Committee, wherever practicable, will conduct its meetings in accordance with this procedure by-law.

13. **CONDUCT OF PROCEEDINGS FOR COUNCIL AND COMMITTEES**

- 13.1 As soon after the hour of the meeting as there shall be a quorum present, the Head of Council or the Chair shall call the meeting to order.
- 13.2 The Head of Council or the Chair shall announce the business before the Council or Committee in the order in which it is to be acted upon.
- 13.3 The Head of Council or the Chair shall receive and submit, in the proper manner, all motions presented by the members.
- 13.4 The Head of Council or the Chair shall preserve order and decorum and decide questions of order subject to an appeal to the Council or the Committee and this decision may be overruled by a majority vote thereof.
- 13.5 The Head of Council or the Chair shall put to vote all questions which are regularly moved and seconded or necessarily arise in the course of proceedings, and to announce the result.
- 13.6 The Head of Council or the Chair shall authenticate by signature when necessary all By-laws, Minutes and documents authorized by Council or the Committee.
- 13.7 The Head of Council or the Chair shall represent and support the Council or Committee declaring its will and obeying its decision in all things.
- 13.8 The Head of Council or the Chair shall ensure that the decisions of Council or the Committee are in conformity with the laws and By-laws governing the activities of the Corporation.
- 13.9 The Head of Council or the Chair shall adjourn the meeting when business is concluded.
- 13.10 The Head of Council or the Chair shall adjourn the meeting without question in the case of grave disorder arising in the meeting space.
- 13.11 The Head of Council or the Chair shall ensure that the members of the public who constitute the audience in the Council Chamber or Meeting Rooms:
 - a) maintain order and quiet;
 - b) address Council or the Committee only with the permission of the Chair;
 - c) do not interrupt any speech or action of the members or any other person addressing Council or the Committee; and
 - d) to order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and

decorum of the meeting and to order the individual or group to vacate the Council Chambers or Meeting Rooms where such behaviour persists.

14. **COUNCIL CODE OF CONDUCT**

The Corporation's "Council Code Of Conduct" and any similar policy pertaining to the Staff or Staff-Council relations shall govern the actions and behaviour of members of Council, Committees and Staff.

15. **DECLARATION OF PECUNIARY INTEREST**

A 'pecuniary interest' is defined in the *Municipal Conflict of Interest Act*. Where a member of Council or a Committee has a pecuniary interest in any matter, including that of a spouse, child or parent and is present at a meeting of Council or Committee at which the matter is the subject of consideration, the member

- a) shall, prior to any consideration of the matter at the meeting, verbally disclose the interest and the general nature;
- b) shall, prior to any consideration of the matter at the meeting disclose the interest and the general nature, in writing using the "COUNCIL/COMMITTEE DECLARATION OF PECUNIARY INTEREST FORM" (forming part of this By-law as Schedule "B") and submit it to the Clerk or designate;
- c) shall not, at any time, take part in the discussion, or vote on any question in respect of the matter;
- d) shall not, at any time, attempt, either on his or her own behalf or while acting for, by or through any other person, in any way whether before, during or after the meeting to influence the voting on any such question;
- e) may immediately leave the room in which the meeting is being held for all or part of the meeting during which the matter is under consideration and remain absent from it where the matter is under consideration during closed session; and
- f) where the interest of a member has not been disclosed by reason of the member's absence from a meeting wherein the matter was discussed, the member shall disclose the interest at the next Council or Committee meeting attended by the member;
- g) where a member has declared a pecuniary interest on an item, they shall not take part in adopting the Confirmatory By-law.

16. **AGENDAS**

16.1 Regular Council Meeting Agendas

- a) The Clerk or his/her designate shall prepare the Agenda for all Regular Council Meetings consisting of the following “Order of Business”:
1. Call to Order
 2. Moment of Reflection
 3. Confirmation of the Agenda
 4. Disclosure of Pecuniary Interest
 5. Consent Agenda
Items listed under the Consent Agenda are considered routine and may require discussion but no action on the part of Council. Consent items are received in one motion. Council members may request that one or more item be removed for further action.
 6. Public Meetings/Hearings and Delegations
 7. Reports
 8. Correspondence
 9. Council Reports
 - 9.1 Mayor/Council Member Reports
(Verbal or written updates from members who sit on boards/committees)
 10. By-laws
 11. Announcements
 12. Notice of Motion
 13. Other Business
In the interest of supporting the Township of Perth South Accountability and Transparency Policy, should a member of Council or staff like to present an item of business in this Section, it is recommended that they contact the Clerk in advance so that the item of business can be placed on the published agenda.
 14. Closed Session and Reporting Out
 15. Confirmatory By-law
 16. Adjournment
- b) The agenda shall be published by 4:30 PM on the Friday prior to the meeting for which the agenda pertains.
- c) The business of Council shall be taken in the order in which it stands upon the agenda, unless otherwise decided by the majority of Council.
- d) Any member may bring before Council or a Committee, any business that he/she believes should be deliberated upon by Council or the Committee. In an effort to support the Accountability and Transparency Policy of the Corporation, it is recommended that

the member or staff contacts that Clerk (or in the case of a Committee, the Recording Secretary) in advance so that the item of business can be placed on the published agenda.

16.2 Special or Emergency Council Meeting Agendas

- a) The Clerk, where reasonably possible, shall cause an agenda to be prepared, in the following order, for the use of members at Special Meetings of Council:
 - Declaration of Pecuniary Interest
 - Consideration of Business for Which Notice is Given
 - Adjournment
- b) The agenda for Special Council Meetings shall be available at least forty-eight (48) hours preceding the meeting to which it pertains, if possible and if necessary.
- c) The minutes of a special meeting shall be ratified at the next regular meeting of the Council by the Confirming By-law.

17. MINUTES – Council and Committee

17.1 Minutes

- a) Minutes of Council or a Committee, whether it is closed to the public or not, shall record:
 - (i) the date, time and place of the meeting;
 - (ii) the record of attendance of the members;
 - (iii) the correction and adoption of the minutes of prior meeting(s);
 - (iv) all resolutions and decisions;
 - (v) all the other proceedings of the meeting without note or comment, whether it is closed to the public or not;
 - (vi) a list of other business items discussed.
- b) After the minutes have been adopted they will be signed by the Head of Council or the Chair and by the Clerk (or designate) or Recording Secretary.

17.2 The Clerk shall ensure that the Minutes of the preceding Regular Meeting and any meeting are circulated along with the agenda package prepared in accordance with Section 16.1 of this By-law.

17.3 The onus shall be upon members attending after commencement of the meeting to inform the Clerk or Recording Secretary of their arrival in order that same may be recorded in the Minutes.

- 17.4 Unless a reading of the minutes of a Council or a Committee meeting is requested by a member, such minutes shall be approved without reading if the Clerk or Recording Secretary previously furnished each member with a copy thereof and has previously posted same.
- 17.5 The minutes of all Council and Committee meetings (with the exception of Closed Session meetings) shall be posted on the municipal website for public inspection as soon as practicably possible.
- 17.6 The minutes shall be filed once passed by the Council or the Committee.
18. **PRESENTATIONS/DELEGATIONS/PETITIONS – Council and Committee**
- 18.1 Any person wishing to appear before the Council on Municipal business shall notify the Clerk or Recording Secretary in writing no later than 12:00 noon on the Thursday preceding the meeting and accompanied by a written brief outlining the subject matter of the presentation.
- 18.2 Any communication or correspondence that is to be presented to Council shall be legibly written, typed, or printed and shall not contain any obscene or defamatory language and shall be signed by at least one person and filed with the Clerk or Recording Secretary no later than 12:00 noon on the Thursday preceding the meeting.
- 18.3 If a request to be heard is received after 12:00 noon on the Thursday preceding the meeting, it must be approved by the Head of Council or Clerk before it will be added to the agenda.
- 18.4 Any communication or correspondence as referred to in Subsection 18.2 above includes electronic mail provided it contains the computer address and full name of the sender and is received by the Clerk or Recording Secretary no later than 12:00 noon on the Thursday preceding the meeting.
- 18.5 The Clerk or Recording Secretary may, upon receipt, refer any communication or petition to a Department Head without the prior consideration of Council or a Committee.
- 18.6 After a delegation has been heard at a Council or a Committee meeting and it is felt that a further meeting on the same topic is warranted, the Council or Committee may so recommend and shall determine the time and date of such further delegation.
- 18.7 The Head of Council or the Chair has the discretion to limit delegations on repetitive topics, or topics that are deemed to be frivolous or repetitive.

- 18.8 Any person desiring to address the Council or a Committee by oral communication shall first secure the permission of the Head of Council or Chair, provided, however, that preference will be given to those persons who have notified the Clerk or Recording Secretary by 12:00 noon on the Thursday immediately preceding the meeting of their desire to speak in order that their name may be placed on the agenda and they will be recognized by the Head of Council or the Chair without further action.
- 18.9 Each person addressing the Council or a Committee shall step up, shall give his/her name and address in an audible tone of voice for the record and, unless further time is granted by the Council or the Committee, shall limit their address to fifteen (15) minutes, including questions. All remarks shall be addressed to Council or Committee as a body and not to any member thereof. No person, other than Members of Council or a Committee and the person having the floor shall be permitted to enter into any discussion, either directly or through the Members of Council or a Committee. No questions shall be asked to the Council Members or Committee, except through the Head of Council or the Chair.
- 18.10 A delegation requesting to speak for more than 15 minutes will only be permitted by prior approval of the Head of Council, Chair, Clerk or Chief Administrative Officer.
- 18.11 Interested parties, or authorized representatives, may address the Council or Committee by written communication in regard to any matter concerning the Corporation's business or over which the Council or Committee has control at any time by direct mail or by addressing the Clerk or Recording Secretary and such written communication will be distributed to the members.

19. **REPORTS OF DEPARTMENTS**

Reports of Departments (including recommendations resulting from Committee meetings) shall be received by the Clerk no later than 12:00 p.m. on the Thursday that precedes the Council meeting.

20. **BY-LAWS**

- 20.1 Council shall be provided with a copy of all By-laws which are on the agenda for consideration. Council shall not consider any by-law not listed on the Agenda. Every By-law shall be introduced by motion and shall receive three readings prior to it being passed. Nothing shall prevent Council from giving all three readings to a By-law at one sitting of Council.
- 20.2 Every By-law enacted by Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and Head of Council and shall be filed by the Clerk for safekeeping.

- 20.3 A By-law shall deem to have been read upon the title or heading or short description thereof being read or taken as read unless a Member of Council requires the By-law or any portion thereof to be read in full.
- 20.4 The proceedings at every regular meeting shall be confirmed by By-law so that every decision of the Council and every resolution passed at that meeting shall have the same force and effect as if each and every one of them had been the subject matter of a separate By-law duly enacted. The proceedings at every Special or Emergency Meeting shall be confirmed by By-law at the next regular meeting of the Council.

21. **NOTICE OF MOTION**

- 21.1 A member may introduce a motion at a meeting regarding a matter that would not otherwise be considered by Council at such meeting, by delivering a verbal or written copy of the motion to the Clerk no later than 12:00 noon on the Thursday prior to the meeting. Notice of Motion is also referred to as Previous Notice.
- 21.2 The Clerk or Recording Secretary, upon receipt of a Notice of Motion in accordance with Section 21.1 shall print the motion (including the name of the mover or seconder) in full on the Agenda for the next regular meeting of the Council or Committee as requested by the mover.
- 21.3 A Notice of Motion does not require a seconder to be included in the call of the meeting (Agenda).
- 21.4 A Notice of Motion shall not be considered or otherwise disposed of by Council or the Committee unless the mover of the motion is in attendance at the meeting. A Notice of Motion that has been called for the Chair at two meetings of the Council has not been proceeded with, shall be removed from the Agenda unless otherwise directed by the Council or Committee.

22. **ADJOURNMENT**

The Council shall adjourn if still in session after a duration of six (6) hours, unless otherwise determined by a resolution of Council passed by the majority of the members.

23. **RESOLUTIONS/MOTIONS**

- 23.1 A motion must be formally seconded before the question can be put on a motion and recorded in the minutes.
- 23.2 When a motion is presented to the Council or a Committee, in writing, it shall be read, or, if it is an oral motion, stated by the Head of Council or the Chair.

- 23.3 After a motion is read or stated by the Head of Council or Chair, it shall be deemed to be in possession of Council or the Committee but may, with the permission of Council or the Committee, be withdrawn at any time before decision or amendment.
- 23.4 After a motion is finally put, no member shall speak to the motion nor shall any other motion be made until after the vote is taken and the result declared.
- 23.5 Every Member of Council shall have one vote.
- 23.6 The Head of Council or Chair may vote with the other members on all questions.
- 23.7 All votes shall be announced openly, as carried or defeated, by the Head of Council or the Chair.
- 23.8 On an unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the Head of Council or the Chair and may be by voice or show of hands.
- 23.9 The Head of Council or the Chair shall require a recorded vote to be taken on any question upon request of a member if such request is made prior to commencement of the voting or immediately thereafter (Section 246 of the Municipal Act, 2001). When a member present requests a recorded vote, all members present at the meeting shall vote, unless otherwise prohibited by statute. The Clerk shall call the vote in a manner that provides for a random order and the members shall respond YEA or NAY when called upon. The names of those who voted for and those voted against shall be noted in the minutes.
- 23.10 Failure to vote by a qualified member shall be deemed to be a negative vote.
- 23.11 Except where expressly provided in Statute, any question on which there is an equality of votes shall be deemed to be defeated.
- 23.12 The Head of Council or the Chair shall declare the vote on all questions and should his/her declaration be stated by any member to be in doubt, the Head of Council or the Chair shall require the vote to be retaken in an alternative manner and the results of this vote shall be final.
- 23.13 Members shall not speak to the same motion without the consent of the Head of Council or the Chair and at the end of the debate a motion for closure may be made by the Head of Council or the Chair.

23.14 Amendments shall be put in the reverse order to that in which they are moved. Only one amendment shall be allowed to an amendment.

24. **RECONSIDERATION**

Despite a previous decision, a member may ask that a previous motion be reconsidered. To bring the original motion back to the table for reconsideration, a majority of Council or Committee is required. A member who voted with the majority on the original motion must introduce a motion for reconsideration. In the event that the original motion was not decided by a recorded vote, the Head of Council or Chair shall determine that the motion to reconsider is being appropriately introduced.

25. **RULES OF DEBATE**

25.1 The following matters and motions may be introduced orally without written notice and without leave except as otherwise provided by these rules:

- a) a point of order or personal privilege;
- b) presentation of petitions;
- c) to lay on the table (to defer temporarily);
- d) to postpone indefinitely or to a specific day; and
- e) to move the previous question (immediate vote on the main motion).

25.2 The following motions may be introduced without notice and without leave:

- a) to refer;
- b) to adjourn;
- c) to amend; and
- d) to suspend the rules of procedure.

25.3 Every member prior to speaking to any question or motion shall raise his/her hand and obtain permission from the Chair to speak. When two or more members wish to speak, the Chair shall name the member who has the floor and shall be the member, who, in the opinion of the Chair raised his/her hand first.

25.4 When a member is called to order he/she shall cease speaking unless allowed to explain, and the ruling of the Chair shall be obeyed, subject to the appeal to the Council or Committee, but without debate.

25.5 No member shall speak more than once to the same question without the leave of the Council or Committee or until all other members have had the opportunity to speak to the question a first time, except in explanation of a material part of his/her speech which may have been misconstrued, and in doing so, he/she is not to introduce a new matter.

- 25.5.1 With the approval of the Head of Council and the consensus of Council, Council may temporarily suspend the Rules of Order to permit **extended debate** on a specific item of business (See Section 29.1)
- 25.5.2 During the **extended debate**, the Head of Council may permit members to speak to the item of business more than one time, but in the order which they have requested permission to speak (Item 25.3).
- 25.5.3 During the **extended debate**, the Head of Council will maintain order. If in the opinion of the Head of Council the need for extended debate has ended or the debate is no longer orderly, the Head of Council may end the **extended debate** and return to the regular Rules of Order.
- 25.6 If the Head of Council desires to leave the Chair for the purpose of taking part in the debate or for any other reasons, the Acting Head of Council shall assume the Chair in his/her place until he/she resumes the Chair.
- The Head of Council may answer questions and comment in a general way without leaving the Chair, but if he/she wishes to make a motion or speak to a motion taking a definite position and endeavoring to persuade the Council to support that position, then he/she shall first leave the Chair.
- The Head of Council does not need to vacate the Chair to simply state support or opposition to a motion on the floor.
- 25.7 When the Head of Council or Chair calls for the vote on a question, each member shall occupy his/her seat until the result for the vote has been declared by the Head of Council or Chair, and during such time no member shall walk across the room to speak to any other member or make any noise or disturbance.
- 25.8 When a member is speaking, no other member shall pass between him/her and the Chair or interrupt him/her except to raise a point of order.
- 25.9 Any member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.

26. **POINTS OF ORDER AND PRIVILEGES**

- 26.1 No vote shall be taken by ballot or any other method of secret voting, and every vote so taken is of no effect, in accordance with Section 244 of the Municipal Act, 2001.

- 26.2 Unless otherwise authorized by the Head of Council, all members, Staff and guests shall address Council through the Head of Council and only when recognized to do so.
- 26.3 When two or more members indicate simultaneously that they wish to speak, the Head of Council shall name the member who is to speak first.
- 26.4 The Head of Council shall preserve order and decide questions of order.
- 26.5 The Council, if appealed to, shall decide the question without debate and its decision shall be final.
- 26.6 If the member who made the motion claims the floor and has not already spoken on the question, he/she is entitled to be recognized in preference to other members.

27. **PROCEDURAL APPEAL**

- 27.1 Any member may raise a point of order.
- 27.2 The Head of Council or Chair shall decide all questions of order and the decision of the Head of Council or Chair shall be final, subject to appeal, with the Head of Council or Chair retaining the option of putting any question or order to Council or a Committee and in such instances the decision of Council or a Committee shall be final. Upon appeal of any decision of the Head of Council or the Chair, the question of order shall be decided by Council or the Committee and the decision shall be final.

28. **RULES OF ORDER**

"Roberts Rules of Order" shall govern the proceedings of the Council in all cases, unless they are in conflict with these rules. See also Section 4 – General Rules.

29. **SUSPENSION AND AMENDMENT OF THESE RULES**

29.1 **Suspension of these Rules**

Any provision of these rules may be temporarily suspended by a vote of the majority of the Council.

See Section 25.5 to temporarily suspend the Rules of Order in order to permit extended debate on a specific item of business.

29.2 **Amendment to these Rules**

These rules may be amended, or new rules adopted by a majority of vote of all Members of Council, provided that the proposed amendments or

new rules shall have been introduced into the record at a prior Council meeting.

30. **VALIDITY AND SEVERABILITY**

It is hereby declared that notwithstanding any section, subsections, clause, paragraph or provision of the By-law or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable and shall not effect the validity or enforceability of any other provisions of the By-law as a whole or part thereof and all other sections of the By-law shall be deemed to be separate and independent therefrom and enacted as such.

31. **EFFECTIVE DATE**

31.1 That By-law No. 38-2009, as adopted on the 23rd day of June be hereby repealed;

31.2 This By-law comes into force and takes effect on the final passing thereof.

READ a **FIRST** and **SECOND** time this 21st day of February 2012.

READ a **THIRD** time and **FINALLY PASSED** this 21st day of February 2012.


Mayor, Robert Wilhelm


Clerk, Lizet Scott

SCHEDULE 'A'
TO TOWNSHIP OF PERTH SOUTH PROCEDUAL BYLAW 15-2012

APPOINTMENTS OF BOARDS AND COMMITTEES

1. Councillor Appointments to Boards and Committees

- a) Blue Water Recycling Board of Management
One Councillor
- b) Biddulph-Blanshard Fire Area Board
Two Councillors
- c) Perth East Fire Board & Joint Advisory Committee
Two Councillors
- d) Downie Recreation & Facilities Advisory Committee
One Councillor
- e) St. Marys Library Board
One Councillor
- f) Kirkton-Woodham Community Centre Board
One Councillor
- g) St. Marys & Area Mobility Service
One Councillor
- h) Economic Development Committee
Mayor and Three Councillors
- i) Downie Optimist Board of Management
Two Councillors
- j) Any other Committee that the Township from time to time may agree to have a member of County Council sit on.

SCHEDULE 'B'
TO TOWNSHIP OF PERTH SOUTH PROCEDUAL BYLAW 15-2012

COUNCIL/COMMITTEE MEMBER DISCLOSURE OF PECUNIARY INTEREST FORM

I _____ declare a conflict of interest with
Item (s) _____ on the _____ Council/Committee
Agenda. (date)

Reason for disclosure:

Signature

